Pamphlet 3

# MISSISSIPPI

# ADVANCE SHEETS

## 2020 Legislative Session
## General Laws

LexisNexis

# MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2020

Regular Session

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# PREFACE

**Contents; publication schedule.**

The 2020 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2020 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2020 Regular Session. This pamphlet, the third in the series, contains the third 64 general bills that have become law. The fourth and fifth pamphlets will contain the remainder of the acts from the 2020 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

**Summary of acts; tables; index.**

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 3 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

**Treatment of acts in the Advance Sheets.**

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

**Treatment of acts in *Mississippi Code of 1972 Annotated.***

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2020 Legislative Session.

Any such changes will be reflected in the 2020 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

# PREFACE

**Information, suggestions, comments, and questions.**

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Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

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## Summary of Acts


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|---|---|---|
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| SB2194 | Mississippi Telephone Solicitation Act; extend repealer on statute providing for the deposit of fees into the State General Fund. | 809 |
| SB2225 | Disabled veteran with service-connected disability; clarify procedure for concealed weapons permit. | 812 |
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| SB2277 | Mississippi Board of Mental Health; authorize to sell certain state-owned real property located in Meridian, Lauderdale County. | 887 |
| SB2279 | State offenders serving sentences in county jails; extend repealer on. | 894 |
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| SB2290 | Homestead exemption application form; shall include name, date of birth, SSN, phone number and email address of the applicant and spouse. | 1173 |
| SB2307 | State Board of Barber Examiners; extend repealer on. | 1182 |
| SB2311 | State Board of Health; delete repealer on authority to increase certain fees before July 1, 2020. | 1210 |
| SB2333 | Fees; authorize Department of Revenue to charge and place in special fund to defray costs of shipping alcoholic beverages. | 1323 |
| SB2362 | Use tax; revise certain provisions regarding distribution of funds to municipalities for road and bridge improvements. | 1332 |

## LEGISLATIVE SUMMARIES

of important legislation enacted during

**2020 Legislative Session**

**of the**

**State of Mississippi**

**ABORTION**

Life equality act of 2020, enacted. **HB 1295**

**ADVOCATE CONFIDENTIALITY LAW**

Privacy of communications with victims of domestic violence, sexual assault, stalking and human trafficking. **HB 1386**

**ALCOHOLIC BEVERAGES**

Light spirit products defined and regulated. **HB 917**

Local option election permitted for dry city, town or village located in wet county, subject to decennial census population limitations. **HB 654**

Prohibition laws revised regarding possession of alcoholic beverages. **HB 1087**

Wine purchased from winery and shipment to package retailer within state, authorized. **HB 1088**

**AMUSEMENT RIDE SAFETY**

Enactment of provisions for inspections, operation, incident reporting and investigation, and safety. **HB 999**

**BABY DROP-OFF LAW**

Age of infant being dropped off and definition of emergency medical services provider amended. **HB 96**

**BANKS AND FINANCIAL INSTITUTIONS**

Delay of financial transaction pending determination of possible exploitation of vulnerable adults. **HB 940**

**CARLY'S LAW**

Prohibition of sex offender having future contact with victim. **SB 2009**

**COLLEGES AND UNIVERSITIES**

College preparatory curriculum requirements for admission to a state university under the higher education legislative plan grant program, removal of specific number of credit hours required. **HB 274**

**COTTAGE FOOD OPERATIONS**

Threshold sales for exemption from permitting requirements raised, and online advertising permitted. **HB 326**

**COVID-19 RELIEF**

Act creating and funding a COVID-19 relief fund and creating the 2020 COVID-19 Mississippi Business Assistance Act, as well as exempting Paycheck Protection Program funds from state taxation. **SB 2272**

Elections, protections for poll workers. **HB 824**

**DEER**

Chronic wasting disease testing required for white-tailed deer harvested within an enclosure. **SB 2722**

**DRUGS AND CONTROLLED SUBSTANCES**

Prescription of controlled substances for pain by hospice medical director permitted without face-to-face visit. **HB 1520**

**ELECTIONS**

Amendments to provisions regarding absentee and mail voting. **HB 1521**

**EXEMPTIONS FROM ATTACHMENT OR EXECUTION**

Roth IRA's exempt from seizure. **HB 1071**

**FIREARMS AND OTHER WEAPONS**

Church protection act, license requirements for persons possessing firearms. **HB 1018**

**HOSPICE CARE**

Prescription of controlled substances for pain by hospice medical director permitted without face-to-face visit. **HB 1520**

**HUNTING**

Authority of commission to extend certain open seasons over a weekend period. **SB 2723**

**INCOME TAX**

Individual taxpayer permitted to designate two bank accounts for direct deposit of refund. **HB 597**

Interest rate on unpaid taxes made consistent with rate provided in other provisions of law. **HB 859**

**INDIVIDUAL RETIREMENT ACCOUNTS**

Roth IRA's exempt from seizure under execution or attachment. **HB 1071**

**LIMITED LIABILITY COMPANIES**

Foreign limited liability company registration may be administratively revoked for tax delinquencies. **SB 2510**

**MARKETPLACE FACILITATOR ACT OF 2020**

Sales taxes. **HB 379**

**MILITARY FAMILY FREEDOM ACT**

Amendments regarding occupational licensing of military or dependents. **SB 2117**

**MISSISSIPPI CODE AND REPORTS**

Entities authorized to maintain in electronic format in addition to printed books, and additional entities to receive printed sets of books. **HB 493**

**MISSISSIPPI LEARN TO EARN ACT**

High school to work opportunities. **HB 1336**

**MOTOR VEHICLES**

Accidents, requirement to move vehicles for accidents not causing serious injury or death. **HB 811**

Remedies of garage keeper for costs of towing and storage, and ability of wrecker or repair shop to sell vehicle legally held. **HB 359**

## LEGISLATIVE SUMMARIES

**NOTARIES PUBLIC**

Revised Mississippi law on notarial acts, enacted. **HB 1156**

**PROPERTY TAXES**

Persons and property having escaped taxation due to inadvertent extension of time permitted to pay without penalties and interest. **HB 697**

**PUBLIC ASSISTANCE**

Right of state auditor to examine tax returns necessary for auditing benefits administered by the United States Department of Health and Human Services and the Department of Agriculture. **SB 2257**

**PUBLIC OFFICERS AND EMPLOYEES**

Ability of political subdivision to grant administrative leave with pay to employees in the event of a disaster or emergency. **HB 1647**

**PUBLIC UTILITIES**

Trespass on or impeding critical infrastructure facilities defined and penalties enacted. **HB 1243**

**REAL ESTATE LICENSEES**

Actions against real estate brokers and salespersons or real estate appraisers, limitations period established. **SB 2430**

**RIGHT TO TRY ACT**

Applicability to traumatic injuries and adult autologous mesenchymal stem cell treatments. **SB 2830**

**SALES TAX**

Marketplace facilitator act of 2020. **HB 379**

**SCHOOL BUSES**

Speed limits for school buses transporting children, maximum limit on interstate highways of 65 miles per hour. **HB 1176**

**SCHOOLS AND EDUCATION**

Clarifying employment status of employees of school of the arts, and the schools for the deaf and the blind. **HB 667**

Hunter safety education authorized as part of curriculum or after school programs. **HB 1577**

Mississippi Learn To Earn Act, enacted to provide high school to work opportunities. **HB 1336**

State board of education permitted to delegate administrative powers and duties as trustees regarding the schools for the deaf and the blind. **HB 667**

**SEAL OF STATE OF MISSISSIPPI**

In God We Trust, language added to state seal. **SB 2131**

**SEX OFFENDER REGISTRATION**

Carly's law enacted, prohibition of sex offender having future contact with victim. **SB 2009**

**TAXATION**

Foreign limited liability company registration may be administratively revoked for tax delinquencies. **SB 2510**

Individual taxpayer permitted to designate two bank accounts for direct deposit of refund. **HB 597**

Interest rate on unpaid taxes made consistent with rate provided in other provisions of law. **HB 859**

**TERMINATION OF PARENTAL RIGHTS**

County courts, when court has original exclusive jurisdiction over proceedings. **HB 1129**

# CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 1-1-11 | Amended | | hb0493 | 4 | 3 |
| 3-3-16 | Repealed | | hb1796 | 5 | 3 |
| 7-3-7 | Amended | | sb2131 | 1 | 2 |
| 9-5-13 | Amended | | hb1490 | 7 | 3 |
| 9-7-45 | Amended | | hb1490 | 5 | 3 |
| 9-7-46 | Amended | | hb1490 | 6 | 3 |
| 9-7-63 | Added | | hb1490 | 3 | 3 |
| 9-7-64 | Added | | hb1490 | 4 | 3 |
| 11-21-5 | Amended | | sb2553 | 14 | 4 |
| 15-1-83 | Added | | sb2430 | 1 | 2 |
| 15-1-85 | Added | | sb2430 | 2 | 2 |
| 19-7-25 | Amended | | hb0493 | 1 | 3 |
| 19-7-31 | Amended | | hb0493 | 3 | 3 |
| 19-25-65 | Amended | | hb0493 | 2 | 3 |
| 21-19-11 | Amended | | hb0444 | 1 | 2 |
| 21-27-207 | Reenacted | | sb2311 | 1 | 3 |
| 21-33-303 | Amended | | hb0023 | 1 | 3 |
| 23-15-153 | Amended | | hb0824 | 1 | 3 |
| 23-15-227 | Amended | | hb0824 | 2 | 3 |
| 23-15-229 | Amended | | hb0824 | 3 | 3 |
| 23-15-625 | Amended | | hb1521 | 9 | 3 |
| 23-15-627 | Amended | | hb1521 | 5 | 3 |
| 23-15-629 | Amended | | hb1521 | 10 | 3 |
| 23-15-631 | Amended | | hb1521 | 11 | 3 |
| 23-15-635 | Amended | | hb1521 | 12 | 3 |
| 23-15-637 | Amended | | hb1521 | 1 | 3 |
| 23-15-639 | Amended | | hb1521 | 13 | 3 |
| 23-15-641 | Amended | | hb1521 | 14 | 3 |
| 23-15-645 | Amended | | hb1521 | 3 | 3 |
| 23-15-649 | Amended | | hb1521 | 4 | 3 |
| 23-15-651 | Amended | | hb1521 | 2 | 3 |
| 23-15-699 | Amended | | hb1521 | 16 | 3 |
| 23-15-713 | Amended | | hb1521 | 6 | 3 |
| 23-15-715 | Amended | | hb1521 | 7 | 3 |
| 23-15-719 | Amended | | hb1521 | 8 | 3 |
| 23-15-721 | Amended | | hb1521 | 17 | 3 |
| 23-15-731 | Amended | | hb1521 | 18 | 3 |
| 23-15-733 | Amended | | hb1521 | 19 | 3 |
| 23-15-735 | Amended | | hb1521 | 20 | 3 |
| 25-1-77 | Amended | | hb1566 | 3 | 3 |
| 25-3-3 | Amended | | hb0415 | 1 | 3 |
| 25-3-17 | Amended | | hb0415 | 2 | 3 |
| 25-3-19 | Amended | | hb0415 | 3 | 3 |
| 25-3-29 | Amended | | hb0415 | 4 | 3 |
| 25-3-36 | Amended | | hb0415 | 5 | 3 |
| 25-7-9 | Amended | | hb1175 | 1 | 3 |
| 25-15-303 | Amended | | hb0676 | 1 | 2 |
| 25-31-5 | Amended | | hb1490 | 1 | 3 |
| 25-31-10 | Amended | | hb1490 | 2 | 3 |
| 27-7-15 | Amended | | hb1748 | 1 | 5 |
| 27-7-22.31 | Amended | | hb1729 | 1 | 3 |

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 27-7-22.32 | Amended | | hb1729 | 4 | 3 |
| 27-7-22.39 | Amended | | hb1729 | 3 | 3 |
| 27-7-22.41 | Amended | | hb1729 | 2 | 3 |
| 27-7-39 | Amended | | hb0597 | 1 | 2 |
| 27-10-25 | Repealed | | sb2851 | 87 | 3 |
| 27-10-25 | Repealed | | sb2851 | 87 | 3 |
| 27-19-44 | Amended | | sb2288 | 63 | 3 |
| 27-19-56 | Amended | | sb2288 | 52 | 3 |
| 27-19-56.12 | Amended | | sb2288 | 54 | 3 |
| 27-19-56.40 | Added | | sb2288 | 34 | 3 |
| 27-19-56.62 | Amended | | sb2288 | 55 | 3 |
| 27-19-56.67 | Amended | | sb2288 | 50 | 3 |
| 27-19-56.85 | Amended | | sb2288 | 56 | 3 |
| 27-19-56.90 | Amended | | sb2288 | 49 | 3 |
| 27-19-81 | Amended | | sb2660 | 2 | 2 |
| 27-25-519 | Amended | | hb0977 | 1 | 2 |
| 27-25-717 | Amended | | hb0977 | 2 | 2 |
| 27-33-31 | Amended | | sb2290 | 1 | 3 |
| 27-35-157 | Amended | | hb0697 | 1 | 3 |
| 27-51-41 | Amended | | sb2288 | 64 | 3 |
| 27-51-103 | Amended | | sb2365 | 1 | 2 |
| 27-55-7 | Amended | | hb0866 | 1 | 2 |
| 27-55-13 | Amended | | hb0866 | 9 | 2 |
| 27-55-507 | Amended | | hb0866 | 2 | 2 |
| 27-55-523 | Amended | | hb0866 | 10 | 2 |
| 27-57-5 | Amended | | hb0866 | 5 | 2 |
| 27-57-7 | Amended | | hb0866 | 3 | 2 |
| 27-57-9 | Amended | | hb0866 | 6 | 2 |
| 27-57-11 | Amended | | hb0866 | 7 | 2 |
| 27-57-13 | Amended | | hb0866 | 13 | 2 |
| 27-57-17 | Amended | | hb0866 | 8 | 2 |
| 27-59-7 | Amended | | hb0866 | 4 | 2 |
| 27-59-13 | Amended | | hb0866 | 11 | 2 |
| 27-59-311 | Amended | | hb0866 | 12 | 2 |
| 27-65-7 | Amended | | hb0379 | 1 | 3 |
| 27-65-9 | Amended | | hb0379 | 2 | 3 |
| 27-65-17 | Amended | | sb2319 | 1 | 2 |
| 27-65-27 | Amended | | hb0865 | 1 | 3 |
| 27-65-101 | Amended | | hb1729 | 5 | 3 |
| 27-67-3 | Amended | | hb0379 | 3 | 3 |
| 27-67-11 | Amended | | hb0379 | 4 | 3 |
| 27-67-31 | Amended | | hb0379 | 5 | 3 |
| 27-67-35 | Amended | | sb2362 | 1 | 3 |
| 27-69-5 | Brought Forward | | hb1486 | 2 | 2 |
| 27-69-9 | Amended | | hb1486 | 1 | 2 |
| 27-71-5 | Amended | | sb2545 | 3 | 4 |
| 27-71-29 | Amended | | sb2333 | 2 | 3 |
| 27-71-301 | Amended | | sb2552 | 3 | 2 |
| 27-71-303 | Brought Forward | | sb2552 | 4 | 2 |
| 27-77-5 | Amended | | hb0861 | 1 | 3 |
| 27-19-56.125 | Amended | | sb2288 | 57 | 3 |

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 27-19-56.140 | Added | | sb2288 | 35 | 3 |
| 27-19-56.162 | Amended | | sb2288 | 58 | 3 |
| 27-19-56.186 | Amended | | sb2288 | 59 | 3 |
| 27-19-56.187 | Amended | | sb2288 | 60 | 3 |
| 27-19-56.199 | Amended | | sb2288 | 61 | 3 |
| 27-19-56.205 | Added | | sb2288 | 36 | 3 |
| 27-19-56.306 | Amended | | sb2288 | 37 | 3 |
| 27-19-56.308 | Amended | | sb2288 | 38 | 3 |
| 27-19-56.310 | Amended | | sb2288 | 39 | 3 |
| 27-19-56.311 | Amended | | sb2288 | 40 | 3 |
| 27-19-56.331 | Amended | | sb2288 | 41 | 3 |
| 27-19-56.369 | Amended | | sb2288 | 42 | 3 |
| 27-19-56.371 | Amended | | sb2288 | 47 | 3 |
| 27-19-56.377 | Amended | | sb2288 | 51 | 3 |
| 27-19-56.400 | Amended | | sb2288 | 43 | 3 |
| 27-19-56.425 | Amended | | sb2288 | 48 | 3 |
| 27-19-56.430 | Amended | | sb2288 | 44 | 3 |
| 27-19-56.431 | Amended | | sb2288 | 45 | 3 |
| 27-19-56.450 | Amended | | sb2288 | 62 | 3 |
| 27-19-56.480 | Amended | | sb2288 | 46 | 3 |
| 29-3-113 | Amended | | sb2565 | 1 | 2 |
| 31-19-25 | Amended | | hb0024 | 1 | 3 |
| 31-41-47 | Amended | | hb1176 | 1 | 2 |
| 33-13-155 | Amended | | sb2611 | 1 | 2 |
| 33-13-157 | Amended | | sb2611 | 2 | 2 |
| 33-13-159 | Amended | | sb2611 | 3 | 2 |
| 33-15-307 | Amended | | hb0524 | 1 | 3 |
| 35-3-13 | Amended | | sb2125 | 1 | 3 |
| 37-3-2 | Amended | | sb2511 | 1 | 2 |
| 37-7-104.4 | Amended | | sb2506 | 1 | 2 |
| 37-13-89 | Amended | | hb0263 | 1 | 2 |
| 37-17-13 | Amended | | sb2509 | 1 | 2 |
| 37-61-33 | Amended | | hb0127 | 1 | 3 |
| 37-106-55 | Amended | | sb2353 | 1 | 2 |
| 37-106-75 | Amended | | hb0274 | 1 | 2 |
| 37-155-9 | Amended | | sb2881 | 1 | 2 |
| 37-159-1 | Amended | | sb2508 | 1 | 2 |
| 37-159-5 | Amended | | sb2508 | 2 | 2 |
| 37-159-7 | Amended | | sb2508 | 3 | 2 |
| 37-159-9 | Amended | | sb2508 | 4 | 2 |
| 37-159-11 | Amended | | sb2508 | 5 | 2 |
| 37-159-11 | Amended | | hb0751 | 1 | 3 |
| 37-159-13 | Amended | | sb2508 | 6 | 2 |
| 37-159-17 | Amended | | sb2508 | 7 | 2 |
| 37-159-19 | Added | | sb2508 | 8 | 2 |
| 37-181-1 | Reenacted | | sb2594 | 1 | 2 |
| 37-181-3 | Amended | | sb2594 | 2 | 2 |
| 37-181-5 | Amended | | sb2594 | 3 | 2 |
| 37-181-7 | Amended | | sb2594 | 4 | 2 |
| 37-181-9 | Amended | | sb2594 | 5 | 2 |
| 37-181-11 | Amended | | sb2594 | 6 | 2 |
| 37-181-13 | Amended | | sb2594 | 7 | 2 |
| 37-181-15 | Amended | | sb2594 | 8 | 2 |

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| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 37-181-17 | Amended | | sb2594 | 9 | 2 |
| 37-181-19 | Reenacted | | sb2594 | 10 | 2 |
| 37-181-21 | Reenacted | | sb2594 | 11 | 2 |
| 37-181-23 | Added | | sb2594 | 12 | 2 |
| 39-5-145 | Amended | | hb1730 | 24 | 4 |
| 41-3-15 | Reenacted | | sb2311 | 2 | 3 |
| 41-3-18 | Reenacted | | sb2311 | 3 | 3 |
| 41-3-65 | Reenacted | | sb2311 | 4 | 3 |
| 41-9-9 | Reenacted | | sb2311 | 5 | 3 |
| 41-26-23 | Reenacted | | sb2311 | 6 | 3 |
| 41-26-101 | Reenacted | | sb2311 | 7 | 3 |
| 41-58-3 | Amended | | sb2311 | 8 | 3 |
| 41-59-11 | Reenacted | | sb2311 | 9 | 3 |
| 41-59-17 | Reenacted | | sb2311 | 10 | 3 |
| 41-59-23 | Reenacted | | sb2311 | 11 | 3 |
| 41-59-33 | Reenacted | | sb2311 | 12 | 3 |
| 41-59-35 | Reenacted | | sb2311 | 13 | 3 |
| 41-59-65 | Reenacted | | sb2311 | 14 | 3 |
| 41-59-79 | Reenacted | | sb2311 | 15 | 3 |
| 41-67-12 | Reenacted | | sb2311 | 16 | 3 |
| 41-67-25 | Reenacted | | sb2311 | 17 | 3 |
| 41-67-37 | Reenacted | | sb2311 | 18 | 3 |
| 41-67-39 | Reenacted | | sb2311 | 19 | 3 |
| 41-71-5 | Reenacted | | sb2311 | 20 | 3 |
| 41-71-7 | Reenacted | | sb2311 | 21 | 3 |
| 41-75-7 | Reenacted | | sb2311 | 22 | 3 |
| 41-75-9 | Reenacted | | sb2311 | 23 | 3 |
| 41-77-9 | Reenacted | | sb2311 | 24 | 3 |
| 41-77-25 | Reenacted | | sb2311 | 25 | 3 |
| 41-85-7 | Reenacted | | sb2311 | 26 | 3 |
| 41-113-11 | Amended | | hb0127 | 2 | 3 |
| 41-121-1 | Reenacted | | hb0686 | 1 | 3 |
| 41-121-3 | Reenacted | | hb0686 | 2 | 3 |
| 41-121-5 | Reenacted | | hb0686 | 3 | 3 |
| 41-121-7 | Reenacted | | hb0686 | 4 | 3 |
| 41-121-9 | Reenacted | | hb0686 | 5 | 3 |
| 41-121-11 | Amended | | hb0686 | 6 | 3 |
| 41-125-7 | Reenacted | | sb2311 | 27 | 3 |
| 41-131-1 | Amended | | sb2830 | 1 | 2 |
| 43-11-7 | Reenacted | | sb2311 | 28 | 3 |
| 43-11-8 | Reenacted | | sb2311 | 29 | 3 |
| 43-11-9 | Reenacted | | sb2311 | 30 | 3 |
| 43-11-13 | Reenacted | | sb2311 | 31 | 3 |
| 43-13-121 | Amended | | sb2486 | 1 | 2 |
| 43-15-51 | Amended | | hb1559 | 8 | 3 |
| 43-15-201 | Amended | | hb0096 | 1 | 3 |
| 43-15-207 | Amended | | hb0096 | 2 | 3 |
| 43-16-25 | Reenacted | | sb2311 | 32 | 3 |
| 43-20-8 | Reenacted | | sb2311 | 33 | 3 |
| 43-20-11 | Reenacted | | sb2311 | 34 | 3 |
| 43-20-13 | Reenacted | | sb2311 | 35 | 3 |
| 43-20-59 | Reenacted | | sb2311 | 36 | 3 |
| 43-21-301 | Amended | | hb1131 | 1 | 2 |

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| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 43-21-303 | Amended | | hb1131 | 2 | 2 |
| 43-21-505 | Amended | | hb1286 | 1 | 3 |
| 43-21-609 | Amended | | hb1127 | 1 | 2 |
| 43-21-609 | Eff date | | hb1127 | 2 | 2 |
| 43-26-1 | Amended | | hb1559 | 6 | 3 |
| 43-26-3 | Added | | hb1559 | 7 | 3 |
| 45-1-12 | Amended | | hb0264 | 1 | 3 |
| 45-9-101 | Amended | | sb2225 | 1 | 3 |
| 45-9-171 | Amended | | hb1018 | 1 | 3 |
| 45-11-7 | Amended | | hb1253 | 1 | 3 |
| 45-14-31 | Reenacted | | sb2311 | 37 | 3 |
| 45-23-23 | Reenacted | | sb2311 | 38 | 3 |
| 45-23-41 | Reenacted | | sb2311 | 39 | 3 |
| 45-23-45 | Reenacted | | sb2311 | 40 | 3 |
| 45-23-53 | Reenacted | | sb2311 | 41 | 3 |
| 45-33-25 | Amended | | hb1371 | 10 | 3 |
| 45-33-27 | Amended | | hb1371 | 11 | 3 |
| 45-33-29 | Amended | | hb1371 | 12 | 3 |
| 45-33-31 | Amended | | hb1371 | 13 | 3 |
| 45-33-33 | Amended | | hb1371 | 14 | 3 |
| 45-33-35 | Amended | | hb1371 | 15 | 3 |
| 45-33-63 | Added | | sb2009 | 1 | 3 |
| 45-35-3 | Amended | | hb1371 | 4 | 3 |
| 45-45-27 | Amended | | hb0773 | 3 | 3 |
| 47-5-6 | Amended | | hb0851 | 1 | 3 |
| 47-5-26 | Amended | | hb0685 | 7 | 3 |
| 47-5-28 | Amended | | hb0685 | 8 | 3 |
| 47-5-471 | Amended | | hb0685 | 9 | 3 |
| 47-5-901 | Amended | | hb0685 | 1 | 3 |
| 47-5-901 | Reenacted | | sb2279 | 1 | 3 |
| 47-5-903 | Reenacted | | hb0685 | 2 | 3 |
| 47-5-903 | Reenacted | | sb2279 | 2 | 3 |
| 47-5-905 | Reenacted | | hb0685 | 3 | 3 |
| 47-5-905 | Reenacted | | sb2279 | 3 | 3 |
| 47-5-907 | Reenacted | | hb0685 | 4 | 3 |
| 47-5-907 | Reenacted | | sb2279 | 4 | 3 |
| 47-5-909 | Reenacted | | hb0685 | 5 | 3 |
| 47-5-909 | Reenacted | | sb2279 | 5 | 3 |
| 47-5-911 | Amended | | hb0685 | 6 | 3 |
| 47-5-911 | Amended | | sb2279 | 6 | 3 |
| 47-7-3 | Amended | | sb2469 | 1 | 4 |
| 49-15-9 | Amended | | hb0632 | 1 | 2 |
| 49-15-11 | Amended | | hb0827 | 1 | 3 |
| 49-15-15 | Amended | | hb0827 | 7 | 3 |
| 49-15-25 | Amended | | hb0827 | 8 | 3 |
| 49-15-301 | Amended | | hb0827 | 2 | 3 |
| 49-15-303 | Amended | | hb0827 | 3 | 3 |
| 49-15-304 | Amended | | hb0827 | 4 | 3 |
| 49-15-305 | Amended | | hb0827 | 5 | 3 |
| 49-15-307 | Amended | | hb0827 | 6 | 3 |
| 49-17-85 | Amended | | hb1730 | 17 | 4 |
| 49-19-115 | Amended | | hb0684 | 1 | 3 |
| 57-1-14 | Amended | | sb2563 | 7 | 4 |

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| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 57-1-18 | Amended | | hb1730 | 12 | 4 |
| 57-1-221 | Amended | | hb1730 | 14 | 4 |
| 57-1-701 | Amended | | hb1730 | 5 | 4 |
| 57-46-1 | Amended | | hb1730 | 30 | 4 |
| 57-61-25 | Amended | | hb1730 | 7 | 4 |
| 57-61-36 | Amended | | hb1730 | 8 | 4 |
| 57-75-15 | Amended | | hb1730 | 9 | 4 |
| 57-87-5 | Amended | | hb1729 | 6 | 3 |
| 57-87-7 | Amended | | hb1729 | 7 | 3 |
| 59-5-37 | Amended | | sb2273 | 1 | 3 |
| 63-1-13 | Amended | | hb1371 | 1 | 3 |
| 63-1-16 | Amended | | hb1371 | 2 | 3 |
| 63-1-33 | Amended | | hb1371 | 5 | 3 |
| 63-1-35 | Amended | | hb1371 | 3 | 3 |
| 63-1-43 | Amended | | hb1371 | 6 | 3 |
| 63-1-47 | Amended | | hb1371 | 7 | 3 |
| 63-1-208 | Amended | | hb1371 | 8 | 3 |
| 63-1-211 | Amended | | hb1371 | 9 | 3 |
| 63-5-27 | Brought Forward | | sb2467 | 2 | 2 |
| 63-5-29 | Brought Forward | | sb2467 | 3 | 2 |
| 63-5-31 | Brought Forward | | sb2467 | 4 | 2 |
| 63-5-33 | Amended | | sb2467 | 1 | 2 |
| 63-5-49 | Amended | | sb2660 | 1 | 2 |
| 63-5-52 | Amended | | sb2716 | 1 | 2 |
| 63-17-74 | Amended | | hb0359 | 2 | 3 |
| 63-21-15 | Amended | | hb0869 | 1 | 2 |
| 63-21-15 | Amended | | sb2099 | 1 | 2 |
| 65-4-5 | Amended | | hb1383 | 1 | 3 |
| 65-4-15 | Amended | | hb1383 | 2 | 3 |
| 65-4-25 | Amended | | hb1730 | 10 | 4 |
| 65-43-3 | Amended | | hb1080 | 1 | 3 |
| 67-1-3 | Amended | | hb1087 | 1 | 3 |
| 67-1-5 | Amended | | sb2545 | 6 | 4 |
| 67-1-5 | Amended | | sb2253 | 1 | 3 |
| 67-1-7 | Amended | | hb1087 | 2 | 3 |
| 67-1-7 | Amended | | sb2253 | 2 | 3 |
| 67-1-9 | Amended | | hb1087 | 3 | 3 |
| 67-1-11 | Amended | | hb1087 | 4 | 3 |
| 67-1-14 | Amended | | hb1087 | 5 | 3 |
| 67-1-16 | Amended | | sb2253 | 4 | 3 |
| 67-1-18 | Amended | | hb0858 | 1 | 2 |
| 67-1-37 | Amended | | sb2333 | 1 | 3 |
| 67-1-37 | Amended | | sb2253 | 3 | 3 |
| 67-1-41 | Amended | | hb1088 | 1 | 3 |
| 67-1-41 | Amended | | sb2545 | 4 | 4 |
| 67-1-43 | Amended | | hb1088 | 2 | 3 |
| 67-1-45 | Amended | | hb1088 | 3 | 3 |
| 67-1-45 | Amended | | sb2545 | 8 | 4 |
| 67-1-51 | Amended | | hb1087 | 6 | 3 |
| 67-1-51 | Amended | | hb1088 | 4 | 3 |

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| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 67-1-51 | Amended | | sb2545 | 1 | 4 |
| 67-1-51 | Amended | | sb2253 | 6 | 3 |
| 67-1-52 | Amended | | sb2545 | 2 | 4 |
| 67-1-77 | Amended | | sb2545 | 7 | 4 |
| 67-1-77 | Amended | | sb2253 | 5 | 3 |
| 67-3-7 | Amended | | hb1087 | 7 | 3 |
| 67-3-9 | Amended | | hb0654 | 1 | 3 |
| 67-3-11 | Amended | | hb1087 | 8 | 3 |
| 67-3-13 | Amended | | hb1087 | 9 | 3 |
| 67-3-22 | Amended | | sb2552 | 1 | 2 |
| 67-3-69 | Amended | | sb2552 | 2 | 2 |
| 67-5-11 | Amended | | sb2545 | 5 | 4 |
| 69-1-119 | Added | | hb1566 | 1 | 3 |
| 69-2-13 | Amended | | sb2328 | 1 | 2 |
| 69-2-19 | Amended | | sb2328 | 2 | 2 |
| 69-5-1 | Amended | | hb1566 | 4 | 3 |
| 69-5-3 | Amended | | hb1566 | 5 | 3 |
| 69-5-5 | Amended | | hb1566 | 6 | 3 |
| 69-5-7 | Amended | | hb1566 | 7 | 3 |
| 69-5-8 | Amended | | hb1566 | 8 | 3 |
| 69-5-11 | Amended | | hb1566 | 9 | 3 |
| 69-5-13 | Amended | | hb1566 | 10 | 3 |
| 69-5-15 | Amended | | hb1566 | 11 | 3 |
| 69-5-27 | Amended | | hb1566 | 12 | 3 |
| 69-5-29 | Amended | | hb1566 | 13 | 3 |
| 69-5-31 | Amended | | hb1566 | 14 | 3 |
| 69-13-111 | Amended | | hb0576 | 1 | 3 |
| 69-29-1 | Amended | | hb1566 | 2 | 3 |
| 69-37-17 | Amended | | hb0687 | 1 | 2 |
| 73-5-1 | Reenacted | | sb2307 | 1 | 3 |
| 73-5-3 | Reenacted | | sb2307 | 2 | 3 |
| 73-5-5 | Reenacted | | sb2307 | 3 | 3 |
| 73-5-7 | Reenacted | | sb2307 | 4 | 3 |
| 73-5-8 | Reenacted | | sb2307 | 5 | 3 |
| 73-5-9 | Reenacted | | sb2307 | 6 | 3 |
| 73-5-11 | Reenacted | | sb2307 | 7 | 3 |
| 73-5-12 | Reenacted | | sb2307 | 8 | 3 |
| 73-5-15 | Reenacted | | sb2307 | 9 | 3 |
| 73-5-17 | Reenacted | | sb2307 | 10 | 3 |
| 73-5-19 | Reenacted | | sb2307 | 11 | 3 |
| 73-5-21 | Reenacted | | sb2307 | 12 | 3 |
| 73-5-23 | Reenacted | | sb2307 | 13 | 3 |
| 73-5-25 | Reenacted | | sb2307 | 14 | 3 |
| 73-5-27 | Reenacted | | sb2307 | 15 | 3 |
| 73-5-29 | Reenacted | | sb2307 | 16 | 3 |
| 73-5-31 | Reenacted | | sb2307 | 17 | 3 |
| 73-5-33 | Reenacted | | sb2307 | 18 | 3 |
| 73-5-35 | Reenacted | | sb2307 | 19 | 3 |
| 73-5-37 | Reenacted | | sb2307 | 20 | 3 |
| 73-5-39 | Reenacted | | sb2307 | 21 | 3 |
| 73-5-41 | Reenacted | | sb2307 | 22 | 3 |
| 73-5-43 | Amended | | sb2307 | 23 | 3 |
| 73-5-45 | Amended | | sb2307 | 24 | 3 |

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| 73-6-19 | Amended | | hb0686 | 7 | 3 |
| 73-7-71 | Reenacted | | sb2311 | 42 | 3 |
| 73-9-61 | Amended | | hb0686 | 8 | 3 |
| 73-10-9 | Reenacted | | sb2311 | 43 | 3 |
| 73-10-11 | Reenacted | | sb2311 | 44 | 3 |
| 73-10-21 | Reenacted | | sb2311 | 45 | 3 |
| 73-14-17 | Reenacted | | sb2311 | 46 | 3 |
| 73-14-19 | Reenacted | | sb2311 | 47 | 3 |
| 73-14-27 | Reenacted | | sb2311 | 48 | 3 |
| 73-14-31 | Reenacted | | sb2311 | 49 | 3 |
| 73-15-29 | Amended | | hb0686 | 9 | 3 |
| 73-19-23 | Amended | | hb0686 | 10 | 3 |
| 73-21-69 | Amended | | hb0688 | 34 | 3 |
| 73-21-71 | Reenacted | | hb0688 | 1 | 3 |
| 73-21-73 | Reenacted | | hb0688 | 2 | 3 |
| 73-21-75 | Reenacted | | hb0688 | 3 | 3 |
| 73-21-77 | Reenacted | | hb0688 | 4 | 3 |
| 73-21-79 | Reenacted | | hb0688 | 5 | 3 |
| 73-21-81 | Amended | | hb0688 | 6 | 3 |
| 73-21-83 | Reenacted | | hb0688 | 7 | 3 |
| 73-21-85 | Reenacted | | hb0688 | 8 | 3 |
| 73-21-87 | Reenacted | | hb0688 | 9 | 3 |
| 73-21-89 | Reenacted | | hb0688 | 10 | 3 |
| 73-21-91 | Reenacted | | hb0688 | 11 | 3 |
| 73-21-93 | Reenacted | | hb0688 | 12 | 3 |
| 73-21-95 | Reenacted | | hb0688 | 13 | 3 |
| 73-21-97 | Amended | | hb0686 | 11 | 3 |
| 73-21-97 | Amended | | hb0688 | 14 | 3 |
| 73-21-99 | Amended | | hb0688 | 15 | 3 |
| 73-21-101 | Reenacted | | hb0688 | 16 | 3 |
| 73-21-103 | Reenacted | | hb0688 | 17 | 3 |
| 73-21-105 | Reenacted | | hb0688 | 18 | 3 |
| 73-21-106 | Reenacted | | hb0688 | 19 | 3 |
| 73-21-107 | Reenacted | | hb0688 | 20 | 3 |
| 73-21-108 | Reenacted | | hb0688 | 21 | 3 |
| 73-21-109 | Reenacted | | hb0688 | 22 | 3 |
| 73-21-111 | Amended | | hb0688 | 23 | 3 |
| 73-21-113 | Reenacted | | hb0688 | 24 | 3 |
| 73-21-115 | Reenacted | | hb0688 | 25 | 3 |
| 73-21-117 | Reenacted | | hb0688 | 26 | 3 |
| 73-21-119 | Reenacted | | hb0688 | 27 | 3 |
| 73-21-121 | Reenacted | | hb0688 | 28 | 3 |
| 73-21-123 | Amended | | hb0688 | 29 | 3 |
| 73-21-125 | Reenacted | | hb0688 | 30 | 3 |
| 73-21-126 | Reenacted | | hb0688 | 31 | 3 |
| 73-21-127 | Reenacted | | hb0688 | 32 | 3 |
| 73-21-129 | Reenacted | | hb0688 | 33 | 3 |
| 73-21-151 | Amended | | hb0708 | 1 | 3 |
| 73-21-153 | Amended | | hb0708 | 2 | 3 |
| 73-21-155 | Amended | | hb0708 | 3 | 3 |
| 73-21-156 | Added | | hb0708 | 4 | 3 |
| 73-21-157 | Amended | | hb0708 | 5 | 3 |
| 73-21-159 | Amended | | hb0708 | 6 | 3 |

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|---|---|---|---|---|---|
| 73-21-161 | Added | | hb0708 | 7 | 3 |
| 73-21-163 | Added | | hb0708 | 8 | 3 |
| 73-24-29 | Reenacted | | sb2311 | 50 | 3 |
| 73-26-5 | Amended | | hb0686 | 12 | 3 |
| 73-27-13 | Amended | | hb0686 | 13 | 3 |
| 73-38-31 | Reenacted | | sb2311 | 51 | 3 |
| 73-39-77 | Amended | | hb0686 | 14 | 3 |
| 73-47-5 | Amended | | hb1104 | 1 | 3 |
| 73-47-9 | Amended | | hb1104 | 2 | 3 |
| 73-50-1 | Amended | | sb2117 | 1 | 3 |
| 73-55-13 | Reenacted | | sb2311 | 52 | 3 |
| 73-57-19 | Reenacted | | sb2311 | 53 | 3 |
| 73-57-21 | Reenacted | | sb2311 | 54 | 3 |
| 73-57-27 | Reenacted | | sb2311 | 55 | 3 |
| 73-57-29 | Reenacted | | sb2311 | 56 | 3 |
| 73-61-1 | Reenacted | | sb2311 | 57 | 3 |
| 73-61-3 | Reenacted | | sb2311 | 58 | 3 |
| 73-65-5 | Reenacted | | sb2311 | 59 | 3 |
| 73-65-9 | Reenacted | | sb2311 | 60 | 3 |
| 73-65-11 | Reenacted | | sb2311 | 61 | 3 |
| 75-23-37 | Brought Forward | | hb1486 | 3 | 2 |
| 75-29-805 | Reenacted | | sb2311 | 62 | 3 |
| 75-31-65 | Reenacted | | sb2311 | 63 | 3 |
| 75-74-11 | Reenacted | | sb2311 | 64 | 3 |
| 77-1-1 | Amended | | sb2386 | 1 | 2 |
| 77-1-3 | Reenacted | | sb2386 | 2 | 2 |
| 77-1-5 | Reenacted | | sb2386 | 3 | 2 |
| 77-1-6 | Reenacted | | sb2386 | 4 | 2 |
| 77-1-11 | Amended | | sb2386 | 5 | 2 |
| 77-1-15 | Amended | | sb2386 | 6 | 2 |
| 77-1-17 | Repealed | | sb2386 | 23 | 2 |
| 77-1-19 | Repealed | | sb2386 | 24 | 2 |
| 77-1-21 | Repealed | | sb2386 | 25 | 2 |
| 77-1-25 | Reenacted | | sb2386 | 7 | 2 |
| 77-1-27 | Amended | | sb2386 | 8 | 2 |
| 77-1-29 | Reenacted | | sb2386 | 9 | 2 |
| 77-1-31 | Reenacted | | sb2386 | 10 | 2 |
| 77-1-33 | Reenacted | | sb2386 | 11 | 2 |
| 77-1-35 | Reenacted | | sb2386 | 12 | 2 |
| 77-1-37 | Reenacted | | sb2386 | 13 | 2 |
| 77-1-39 | Reenacted | | sb2386 | 14 | 2 |
| 77-1-41 | Reenacted | | sb2386 | 15 | 2 |
| 77-1-43 | Reenacted | | sb2386 | 16 | 2 |
| 77-1-47 | Reenacted | | sb2386 | 17 | 2 |
| 77-1-49 | Reenacted | | sb2386 | 18 | 2 |
| 77-1-51 | Amended | | sb2386 | 19 | 2 |
| 77-1-55 | Amended | | sb2386 | 20 | 2 |
| 77-3-42 | Amended | | sb2386 | 22 | 2 |
| 77-3-93 | Amended | | sb2386 | 21 | 2 |
| 77-3-721 | Amended | | sb2194 | 1 | 3 |
| 79-29-1021 | Amended | | sb2510 | 1 | 2 |
| 81-18-1 | Reenacted | | sb2427 | 1 | 2 |

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|---|---|---|---|---|---|
| 81-18-3 | Reenacted | | sb2427 | 2 | 2 |
| 81-18-5 | Reenacted | | sb2427 | 3 | 2 |
| 81-18-7 | Reenacted | | sb2427 | 4 | 2 |
| 81-18-8 | Reenacted | | sb2427 | 5 | 2 |
| 81-18-9 | Reenacted | | sb2427 | 6 | 2 |
| 81-18-11 | Reenacted | | sb2427 | 7 | 2 |
| 81-18-13 | Reenacted | | sb2427 | 8 | 2 |
| 81-18-14 | Reenacted | | sb2427 | 9 | 2 |
| 81-18-15 | Reenacted | | sb2427 | 10 | 2 |
| 81-18-17 | Reenacted | | sb2427 | 11 | 2 |
| 81-18-19 | Reenacted | | sb2427 | 12 | 2 |
| 81-18-21 | Amended | | sb2427 | 13 | 2 |
| 81-18-23 | Reenacted | | sb2427 | 14 | 2 |
| 81-18-25 | Reenacted | | sb2427 | 15 | 2 |
| 81-18-27 | Reenacted | | sb2427 | 16 | 2 |
| 81-18-28 | Reenacted | | sb2427 | 17 | 2 |
| 81-18-29 | Reenacted | | sb2427 | 18 | 2 |
| 81-18-31 | Reenacted | | sb2427 | 19 | 2 |
| 81-18-33 | Amended | | sb2427 | 20 | 2 |
| 81-18-35 | Reenacted | | sb2427 | 21 | 2 |
| 81-18-36 | Reenacted | | sb2427 | 22 | 2 |
| 81-18-37 | Reenacted | | sb2427 | 23 | 2 |
| 81-18-39 | Reenacted | | sb2427 | 24 | 2 |
| 81-18-40 | Reenacted | | sb2427 | 25 | 2 |
| 81-18-41 | Reenacted | | sb2427 | 26 | 2 |
| 81-18-43 | Reenacted | | sb2427 | 27 | 2 |
| 81-18-45 | Reenacted | | sb2427 | 28 | 2 |
| 81-18-47 | Reenacted | | sb2427 | 29 | 2 |
| 81-18-49 | Reenacted | | sb2427 | 30 | 2 |
| 81-18-51 | Repealed | | sb2427 | 35 | 2 |
| 81-18-53 | Reenacted | | sb2427 | 31 | 2 |
| 81-18-55 | Reenacted | | sb2427 | 32 | 2 |
| 81-18-61 | Reenacted | | sb2427 | 33 | 2 |
| 81-18-63 | Reenacted | | sb2427 | 34 | 2 |
| 83-2-3 | Amended | | hb0773 | 2 | 3 |
| 83-2-7 | Amended | | hb0773 | 1 | 3 |
| 83-9-3 | Brought Forward | | hb0095 | 2 | 3 |
| 83-9-5 | Amended | | hb0095 | 1 | 3 |
| 83-19-151 | Amended | | hb0408 | 1 | 2 |
| 83-19-157 | Amended | | hb0408 | 2 | 2 |
| 83-75-1 | Amended | | sb2709 | 1 | 2 |
| 83-75-3 | Amended | | sb2709 | 2 | 2 |
| 83-75-5 | Amended | | sb2709 | 3 | 2 |
| 85-3-1 | Amended | | hb1071 | 1 | 2 |
| 85-7-251 | Amended | | hb0359 | 1 | 3 |
| 89-21-17 | Repealed | | sb2851 | 88 | 3 |
| 89-22-1 | Added | | sb2851 | 67 | 3 |
| 89-22-3 | Added | | sb2851 | 68 | 3 |
| 89-22-3 | Added | | sb2851 | 68 | 3 |
| 89-22-5 | Added | | sb2851 | 69 | 3 |
| 89-22-5 | Added | | sb2851 | 69 | 3 |
| 89-22-7 | Added | | sb2851 | 70 | 3 |

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 89-22-9 | Added | | sb2851 | 71 | 3 |
| 89-22-11 | Added | | sb2851 | 72 | 3 |
| 89-22-13 | Added | | sb2851 | 73 | 3 |
| 89-22-15 | Added | | sb2851 | 74 | 3 |
| 89-22-17 | Added | | sb2851 | 75 | 3 |
| 89-22-19 | Added | | sb2851 | 76 | 3 |
| 89-22-21 | Added | | sb2851 | 77 | 3 |
| 89-22-23 | Added | | sb2851 | 78 | 3 |
| 89-22-27 | Added | | sb2851 | 80 | 3 |
| 89-22-29 | Added | | sb2851 | 81 | 3 |
| 89-22-31 | Added | | sb2851 | 82 | 3 |
| 89-22-33 | Added | | sb2851 | 83 | 3 |
| 89-22-35 | Added | | sb2851 | 79 | 3 |
| 91-1-1 | Amended | | sb2850 | 1 | 2 |
| 91-5-35 | Amended | | sb2850 | 2 | 2 |
| 91-7-1 | Amended | | sb2850 | 3 | 2 |
| 91-7-33 | Amended | | sb2850 | 4 | 2 |
| 91-7-259 | Repealed | | sb2851 | 90 | 3 |
| 91-7-322 | Amended | | sb2850 | 7 | 2 |
| 91-7-501 | Added | | sb2851 | 47 | 3 |
| 91-7-503 | Added | | sb2851 | 48 | 3 |
| 91-7-505 | Added | | sb2851 | 49 | 3 |
| 91-7-507 | Added | | sb2851 | 50 | 3 |
| 91-7-509 | Added | | sb2851 | 51 | 3 |
| 91-7-511 | Added | | sb2851 | 52 | 3 |
| 91-7-513 | Added | | sb2851 | 53 | 3 |
| 91-7-515 | Added | | sb2851 | 54 | 3 |
| 91-7-517 | Added | | sb2851 | 55 | 3 |
| 91-7-519 | Added | | sb2851 | 56 | 3 |
| 91-7-521 | Added | | sb2851 | 57 | 3 |
| 91-7-523 | Added | | sb2851 | 58 | 3 |
| 91-8-105 | Amended | | sb2851 | 86 | 3 |
| 91-8-501 | Added | | sb2851 | 59 | 3 |
| 91-8-502 | Added | | sb2851 | 60 | 3 |
| 91-8-502 | Added | | sb2851 | 60 | 3 |
| 91-8-503 | Added | | sb2851 | 61 | 3 |
| 91-8-504 | Added | | sb2851 | 62 | 3 |
| 91-8-505 | Added | | sb2851 | 63 | 3 |
| 91-8-506 | Added | | sb2851 | 64 | 3 |
| 91-8-507 | Added | | sb2851 | 65 | 3 |
| 91-8-508 | Added | | sb2851 | 66 | 3 |
| 91-9-511 | Repealed | | sb2851 | 89 | 3 |
| 91-17-412 | Amended | | sb2850 | 5 | 2 |
| 91-17-501 | Amended | | sb2850 | 6 | 2 |
| 91-25-1 | Added | | sb2851 | 33 | 3 |
| 91-25-3 | Added | | sb2851 | 34 | 3 |
| 91-25-5 | Added | | sb2851 | 35 | 3 |
| 91-25-7 | Added | | sb2851 | 36 | 3 |
| 91-25-9 | Added | | sb2851 | 37 | 3 |
| 91-25-11 | Added | | sb2851 | 38 | 3 |
| 91-25-13 | Added | | sb2851 | 39 | 3 |
| 91-25-15 | Added | | sb2851 | 40 | 3 |
| 91-25-17 | Added | | sb2851 | 41 | 3 |

## CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 91-25-19 | Added | | sb2851 | 42 | 3 |
| 91-25-21 | Added | | sb2851 | 43 | 3 |
| 91-25-23 | Added | | sb2851 | 44 | 3 |
| 91-25-25 | Added | | sb2851 | 45 | 3 |
| 91-25-27 | Added | | sb2851 | 46 | 3 |
| 91-27-1 | Added | | sb2851 | 1 | 3 |
| 91-27-3 | Added | | sb2851 | 2 | 3 |
| 91-27-5 | Added | | sb2851 | 3 | 3 |
| 91-27-7 | Added | | sb2851 | 4 | 3 |
| 91-27-9 | Added | | sb2851 | 5 | 3 |
| 91-27-11 | Added | | sb2851 | 6 | 3 |
| 91-27-13 | Added | | sb2851 | 7 | 3 |
| 91-27-15 | Added | | sb2851 | 8 | 3 |
| 91-27-17 | Added | | sb2851 | 9 | 3 |
| 91-27-19 | Added | | sb2851 | 10 | 3 |
| 91-27-21 | Added | | sb2851 | 11 | 3 |
| 91-27-23 | Added | | sb2851 | 12 | 3 |
| 91-27-25 | Added | | sb2851 | 13 | 3 |
| 91-27-27 | Added | | sb2851 | 14 | 3 |
| 91-27-29 | Added | | sb2851 | 15 | 3 |
| 91-27-31 | Added | | sb2851 | 16 | 3 |
| 91-27-33 | Added | | sb2851 | 17 | 3 |
| 91-27-35 | Added | | sb2851 | 18 | 3 |
| 91-27-37 | Added | | sb2851 | 19 | 3 |
| 91-29-1 | Added | | sb2851 | 20 | 3 |
| 91-29-3 | Added | | sb2851 | 21 | 3 |
| 91-29-5 | Added | | sb2851 | 22 | 3 |
| 91-29-7 | Added | | sb2851 | 23 | 3 |
| 91-29-9 | Added | | sb2851 | 24 | 3 |
| 91-29-11 | Added | | sb2851 | 25 | 3 |
| 91-29-13 | Added | | sb2851 | 26 | 3 |
| 91-29-15 | Added | | sb2851 | 27 | 3 |
| 91-29-17 | Added | | sb2851 | 28 | 3 |
| 91-29-19 | Added | | sb2851 | 29 | 3 |
| 91-29-23 | Added | | sb2851 | 31 | 3 |
| 91-29-25 | Added | | sb2851 | 32 | 3 |
| 91-29-29 | Added | | sb2851 | 30 | 3 |
| 93-14-401 | Repealed | | sb2874 | 29 | 2 |
| 93-14-402 | Repealed | | sb2874 | 29 | 2 |
| 93-14-403 | Repealed | | sb2874 | 29 | 2 |
| 93-15-105 | Amended | | hb1129 | 1 | 2 |
| 93-17-3 | Amended | | hb1134 | 1 | 3 |
| 93-20-102 | Amended | | sb2874 | 1 | 2 |
| 93-20-104 | Amended | | sb2874 | 2 | 2 |
| 93-20-105 | Amended | | sb2874 | 3 | 2 |
| 93-20-107 | Amended | | sb2874 | 4 | 2 |
| 93-20-108 | Amended | | sb2874 | 5 | 2 |
| 93-20-113 | Amended | | sb2874 | 6 | 2 |
| 93-20-116 | Amended | | sb2874 | 7 | 2 |
| 93-20-118 | Amended | | sb2874 | 8 | 2 |
| 93-20-125 | Amended | | sb2874 | 9 | 2 |
| 93-20-201 | Amended | | sb2874 | 10 | 2 |
| 93-20-202 | Amended | | sb2874 | 11 | 2 |

| MS Code Section | Action | Chapter No. | HB No./SB No. | Sec. No. | Pamphlet No. |
|---|---|---|---|---|---|
| 93-20-203 | Amended | | sb2874 | 12 | 2 |
| 93-20-206 | Amended | | sb2874 | 13 | 2 |
| 93-20-207 | Amended | | sb2874 | 14 | 2 |
| 93-20-301 | Amended | | sb2874 | 15 | 2 |
| 93-20-302 | Amended | | sb2874 | 16 | 2 |
| 93-20-303 | Amended | | sb2874 | 17 | 2 |
| 93-20-306 | Amended | | sb2874 | 18 | 2 |
| 93-20-309 | Amended | | sb2874 | 19 | 2 |
| 93-20-310 | Amended | | sb2874 | 20 | 2 |
| 93-20-311 | Amended | | sb2874 | 21 | 2 |
| 93-20-403 | Amended | | sb2874 | 22 | 2 |
| 93-20-405 | Amended | | sb2874 | 23 | 2 |
| 93-20-407 | Amended | | sb2874 | 24 | 2 |
| 93-20-408 | Amended | | sb2874 | 25 | 2 |
| 93-20-411 | Amended | | sb2874 | 26 | 2 |
| 93-20-413 | Amended | | sb2874 | 27 | 2 |
| 93-20-431 | Amended | | sb2874 | 28 | 2 |
| 93-21-109 | Amended | | hb1386 | 2 | 3 |
| 97-32-5 | Amended | | hb1486 | 4 | 2 |
| 99-3-28 | Amended | | sb2061 | 1 | 2 |
| 99-19-75 | Amended | | hb1559 | 5 | 3 |

# Mississippi Legislature
# 2020 Regular Session

# House Bill 23

**Description:** Mississippi Major Economic Impact Authority; revise certain authority concerning loan for certain economic development project.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/24 | (H) Referred To Ways and Means |
| 2 | 02/19 | (H) Title Suff Do Pass |
| 3 | 02/19 | (H) Passed {Vote} |
| 4 | 02/20 | (H) Transmitted To Senate |
| 5 | 02/28 | (S) Referred To Finance |
| 6 | 06/09 | (S) Title Suff Do Pass As Amended |
| 7 | 06/15 | (S) Amended |
| 8 | 06/15 | (S) Passed As Amended {Vote} |
| 9 | 06/17 | (S) Returned For Concurrence |
| 10 | 06/19 | (H) Decline to Concur/Invite Conf |
| 11 | 06/22 | (H) Conferees Named Lamar,Steverson,Massengill |
| 12 | 06/22 | (S) Conferees Named Harkins,Doty,Fillingane |
| 13 | 06/29 | (H) Conference Report Filed |
| 14 | 06/29 | (S) Conference Report Filed |
| 15 | 06/30 | (S) Conference Report Adopted {Vote} |
| 16 | 06/30 | (H) Conference Report Adopted {Vote} |
| 17 | 07/02 | (S) Enrolled Bill Signed |
| 18 | 07/02 | (H) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 23

Conference Reports:
Conference Report

**Code Section:** A 021-0033-0303

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 21-33-303, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN INDEBTEDNESS INCURRED THROUGH A LOAN TO A MUNICIPALITY FOR A CERTAIN PROJECT UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT SHALL NOT BE INCLUDED IN THE MUNICIPALITY'S CALCULATION OF THE MAXIMUM OUTSTANDING BONDED INDEBTEDNESS OR THE MAXIMUM OUTSTANDING GENERAL OBLIGATION INDEBTEDNESS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 23
(As Sent to Governor)

AN ACT TO AMEND SECTION 21-33-303, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN INDEBTEDNESS INCURRED THROUGH A LOAN TO A MUNICIPALITY FOR A CERTAIN PROJECT UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT SHALL NOT BE INCLUDED IN THE MUNICIPALITY'S CALCULATION OF THE MAXIMUM OUTSTANDING BONDED INDEBTEDNESS OR THE MAXIMUM OUTSTANDING GENERAL OBLIGATION INDEBTEDNESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 21-33-303, Mississippi Code of 1972, is amended as follows:

21-33-303. No municipality shall hereafter issue bonds secured by a pledge of its full faith and credit for the purposes authorized by law in an amount which, when added to the then outstanding bonded indebtedness of such municipality, shall exceed either (a) fifteen percent (15%) of the assessed value of the taxable property within such municipality, according to the last completed assessment for taxation, or (b) ten percent (10%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater. In computing such indebtedness, there may be deducted all bonds or other evidences

of indebtedness, heretofore or hereafter issued, for school, water, sewerage systems, gas, and light and power purposes and for the construction of special improvements primarily chargeable to the property benefited, or for the purpose of paying the municipality's proportion of any betterment program, a portion of which is primarily chargeable to the property benefited. However, in no case shall any municipality contract any indebtedness which, when added to all of the outstanding general obligation indebtedness, both bonded and floating, shall exceed either (a) twenty percent (20%) of the assessed value of all taxable property within such municipality according to the last completed assessment for taxation or (b) fifteen percent (15%) of the assessment upon which taxes were levied for its fiscal year ending September 30, 1984, whichever is greater. Nothing herein contained shall be construed to apply to contract obligations in any form heretofore or hereafter incurred by any municipality which are subject to annual appropriations therefor, or to bonds heretofore issued by any municipality for school purposes, or to contract obligations in any form heretofore or hereafter incurred by any municipality which are payable exclusively from the revenues of any municipally owned utility, or to bonds issued by any municipality under the provisions of Sections 57-1-1 through 57-1-51, or to any special assessment improvement bonds issued by any municipality under the provisions of Sections 21-41-1 through 21-41-53, or to any indebtedness incurred under Section 55-23-8,

or to any indebtedness incurred through a loan to a municipality under Section 57-75-11(tt) in connection with a project defined in Section 57-75-5(f)(xxvii).

All bonds issued prior to July 1, 1990, pursuant to this chapter by any municipality for the purpose of the constructing, replacing, renovating or improving wastewater collection and treatment facilities in order to comply with an administrative order of the Mississippi Department of Natural Resources issued pursuant to the Federal Water Pollution Control Act and amendments thereto, are hereby exempt from the limitation imposed by this section if the governing body of the municipality adopts an order, resolution or ordinance to the effect that the rates paid by the users of such facilities shall be increased to the extent necessary to provide sufficient funds for the payment of the principal of and interest on such bonds as each respectively becomes due and payable as well as the necessary expenses in connection with the operation and maintenance of such facilities.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 24

**Description:** Bonds; revise certain provisions regarding sale by political subdivisions and other instrumentalities.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/24 | (H) Referred To Ways and Means |
| 2 | 02/19 | (H) Title Suff Do Pass |
| 3 | 02/19 | (H) Passed {Vote} |
| 4 | 02/20 | (H) Transmitted To Senate |
| 5 | 02/28 | (S) Referred To Finance |
| 6 | 06/09 | (S) Title Suff Do Pass As Amended |
| 7 | 06/11 | (S) Amended |
| 8 | 06/11 | (S) Passed As Amended {Vote} |
| 9 | 06/12 | (S) Returned For Concurrence |
| 10 | 06/16 | (H) Decline to Concur/Invite Conf |
| 11 | 06/18 | (H) Conferees Named Lamar,Steverson,Massengill |
| 12 | 06/22 | (S) Conferees Named Harkins,Doty,Fillingane |
| 13 | 06/24 | (S) Conference Report Filed |
| 14 | 06/24 | (H) Conference Report Filed |
| 15 | 06/25 | (S) Recommitted For Further Conf |
| 16 | 06/26 | (H) Recommitted For Further Conf |
| 17 | 06/30 | (S) Conference Report Filed |
| 18 | 06/30 | (H) Conference Report Filed |
| 19 | 06/30 | (H) Conference Report Adopted {Vote} |
| 20 | 07/01 | (S) Conference Report Adopted {Vote} |
| 21 | 07/01 | (S) Immediate Release |
| 22 | 07/02 | (S) Enrolled Bill Signed |
| 23 | 07/02 | (H) Enrolled Bill Signed |
| 24 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 24
Conference Reports:
Conference Report
| Conference Report # 2

**Code Section:** A 031-0019-0025

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 31-19-25, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ADVERTISEMENT OF THE SALE AND RECEIPT OF BIDS FOR THE SALE OF BONDS BY THE GOVERNING AUTHORITY OF ANY COUNTY, ROAD DISTRICT, SCHOOL DISTRICT, DRAINAGE DISTRICT OR OTHER POLITICAL SUBDIVISION OR INSTRUMENTALITY OF THIS STATE, TO PROVIDE THAT SEALED BIDS MAY BE SUBMITTED IN ELECTRONIC FORM; TO DELETE THE REQUIREMENT THAT A BANK ISSUING OR CERTIFYING A CASHIER'S CHECK, CERTIFIED CHECK OR EXCHANGE FOR A BIDDER'S GUARANTY MUST BE A BANK LOCATED IN THIS STATE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 24
(As Sent to Governor)

AN ACT TO AMEND SECTION 31-19-25, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ADVERTISEMENT OF THE SALE AND RECEIPT OF BIDS FOR THE SALE OF BONDS BY THE GOVERNING AUTHORITY OF ANY COUNTY, ROAD DISTRICT, SCHOOL DISTRICT, DRAINAGE DISTRICT OR OTHER POLITICAL SUBDIVISION OR INSTRUMENTALITY OF THIS STATE, TO PROVIDE THAT SEALED BIDS MAY BE SUBMITTED IN ELECTRONIC FORM; TO DELETE THE REQUIREMENT THAT A BANK ISSUING OR CERTIFYING A CASHIER'S CHECK, CERTIFIED CHECK OR EXCHANGE FOR A BIDDER'S GUARANTY MUST BE A BANK LOCATED IN THIS STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 31-19-25, Mississippi Code of 1972, is amended as follows:

31-19-25. All bonds issued pursuant to any laws of this state and hereafter sold by the governing authority of or on behalf of any county, road district, school district, drainage district or other political subdivision or instrumentality of this state shall be advertised for sale on sealed bids, which may be submitted in electronic form, or at public auction. Such advertisement shall be published at least two (2) times in a newspaper published in the county in which the political subdivision or instrumentality is situated, and if no newspaper is

published in such county, then in a newspaper published in an adjoining county; with respect to a political subdivision or instrumentality which is composed of more than one (1) county, such advertisement shall be published at least two (2) times in a newspaper having a general circulation in each county all or a portion of which is part of the political subdivision or instrumentality. The first publication in each case shall be made at least ten (10) days preceding the date fixed for the reception of bids, and such notice shall give the time and place of sale.

The governing authority may reject any and all bids, whether so stated in the notice of sale or not. If the bonds are not sold pursuant to such advertisement, they may be sold by the governing authority by private sale at any time within sixty (60) days after the date advertised for the reception of bids; but no such private sale shall be made at a price less than the highest bid which shall have been received pursuant to such advertisement. If not so sold at private sale, said bonds shall be readvertised in the manner herein prescribed.

Every bid for the purchase of any of such bonds shall be accompanied by a wire transfer or a cashier's check, certified check or exchange, payable to the proper governing authority, issued or certified by a bank * * * in the amount of not less than two percent (2%) of the par value of the bonds offered for sale, as a guaranty that the bidder will carry out his contract and purchase the bonds if the bid is accepted. If the successful

bidder fails to purchase the bonds pursuant to his bid and contract, the amount of such good faith check shall be retained by the governing authority and covered into the proper fund as liquidated damages for such failure.

This section shall not apply to the sale of bonds by the State of Mississippi through the State Bond Commission or the sale of bonds or any other indebtedness incurred by a county in connection with a project as defined under Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix).

A failure to comply with any provision of this section shall not invalidate such bonds, but any member of the governing board, commission or other governing authority who shall willfully violate any of said provisions and shall willfully fail to give the notices herein required shall be liable personally and on his official bond for a penalty in each case of Five Hundred Dollars ($500.00) and, in addition thereto, for all financial loss that may result to the county, municipality, road district, school district, drainage district or other political subdivision or instrumentality of the state or county resulting from such willful failure to comply herewith. Such penalty and damages may be recovered by suit of the Attorney General, a district attorney or of any citizen of such county or other political subdivision in any court of competent jurisdiction, for the use and benefit of the county or other such political subdivision or instrumentality.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 95

**Description:** Commissioner of Insurance; provide shall resolve certain disputes between provider and insured regarding billing.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/24 | (H) Referred To Insurance |
| 2 | 02/04 | (H) Title Suff Do Pass |
| 3 | 02/05 | (H) Passed {Vote} |
| 4 | 02/06 | (H) Motion to Reconsider Entered (Bomgar, Chism) |
| 5 | 02/11 | (H) Reconsidered |
| 6 | 02/11 | (H) Amended |
| 7 | 02/11 | (H) Passed As Amended {Vote} |
| 8 | 02/13 | (H) Transmitted To Senate |
| 9 | 02/18 | (S) Referred To Insurance |
| 10 | 06/03 | (S) Title Suff Do Pass As Amended |
| 11 | 06/15 | (S) Amended |
| 12 | 06/15 | (S) Passed As Amended {Vote} |
| 13 | 06/17 | (S) Returned For Concurrence |
| 14 | 06/18 | (H) Concurred in Amend From Senate {Vote} |
| 15 | 06/23 | (H) Enrolled Bill Signed |
| 16 | 06/24 | (S) Enrolled Bill Signed |
| 17 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 95

**Code Section:** A 083-0009-0005, BF 083-0009-0003

**----- Additional Information -----**

***House Committee:*** Insurance

***Senate Committee:*** Insurance

***Principal Author:*** Chism

***Title:*** AN ACT TO AMEND SECTION 83-9-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSIONER OF INSURANCE MAY RESOLVE CERTAIN DISPUTES BETWEEN HEALTH CARE PROVIDERS AND INSUREDS; TO PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL ADOPT RULES AND REGULATIONS NECESSARY TO ENFORCE CERTAIN PROVISIONS; TO BRING FORWARD SECTION 83-9-3, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Chism To: Insurance

HOUSE BILL NO. 95
(As Sent to Governor)

AN ACT TO AMEND SECTION 83-9-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSIONER OF INSURANCE MAY RESOLVE CERTAIN DISPUTES BETWEEN HEALTH CARE PROVIDERS AND INSUREDS; TO PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL ADOPT RULES AND REGULATIONS NECESSARY TO ENFORCE CERTAIN PROVISIONS; TO BRING FORWARD SECTION 83-9-3, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 83-9-5, Mississippi Code of 1972, is amended as follows:

83-9-5. (1) **Required provisions.** Except as provided in subsection (3) of this section, each such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subsection in the words in which the same appear in this section. However, the insurer may, at its option, substitute for one or more of such provisions, corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this

subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

As used in this section, the term "insurer" means a health maintenance organization, an insurance company or any other entity responsible for the payment of benefits under a policy or contract of accident and sickness insurance; however, the term "insurer" shall not mean a liquidator, rehabilitator, conservator or receiver or third-party administrator of any health maintenance organization, insurance company or other entity responsible for the payment of benefits which is in liquidation, rehabilitation or conservation proceedings, nor shall it mean any responsible guaranty association. Further, no cause of action shall accrue against a liquidator, rehabilitator, conservator or receiver or third-party administrator of any health maintenance organization, insurance company or other entity responsible for the payment of benefits which is in liquidation, rehabilitation or conservation proceedings or any responsible guaranty association under paragraph (h)3 of this subsection or any policy provision in accordance therewith.

(a) A provision as follows:

Entire contract; changes: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and

unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions.

(b) A provision as follows:

Time limit on certain defenses:

1. After two (2) years from the date of issue of this policy, no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two-year period.

(The foregoing policy provision shall not be so construed as to effect any legal requirement for avoidance of a policy or denial of a claim during such initial two-year period, nor to limit the application of subsection (2)(a) and (2)(b) of this section in the event of misstatement with respect to age or occupation.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age fifty (50) or, (2) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

After this policy has been in force for a period of two (2) years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements in the application.)

2. No claim for loss incurred or disability (as defined in the policy) commencing after two (2) years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(c) A provision as follows:

Grace period:

A grace period of seven (7) days for weekly premium policies, ten (10) days for monthly premium policies and thirty-one (31) days for all other policies will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force.

(A policy which contains a cancellation provision may add, at the end of the above provision, "subject to the right of the insurer to cancel in accordance with the cancellation provision hereof."

A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision, "unless not less than five (5) days prior to the premium due date

the insurer has delivered to the insured or has mailed to his last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.")

(d) A provision as follows:

Reinstatement:

If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy. However, if the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten (10) days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium, subject to any provisions endorsed hereon or attached hereto in connection with the

reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than sixty (60) days prior to the date of reinstatement. (The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty (50) or, (2) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue.)

(e) A provision as follows:

Notice of claim:

Written notice of claim must be given to the insurer within thirty (30) days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at _____ (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer.

(In a policy providing a loss of time benefit which may be payable for at least two (2) years, an insurer may, at its option, insert the following between the first and second sentences of the above provision: "Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for

which indemnity may be payable for at least two (2) years, he shall, at least once in every six (6) months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six (6) months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability, in whole or in part, by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six (6) months preceding the date on which such notice is actually given.")

(f) A provision as follows:

Claim forms:

The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen (15) days after the giving of such notice, the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

(g) A provision as follows:

Proofs of loss:

Written proof of loss must be furnished to the insurer at its said office, in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss, within ninety (90) days after the termination of the period for which the insurer is liable, and in case of claim for any other loss, within ninety (90) days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate or reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one (1) year from the time proof is otherwise required.

(h) A provision as follows:

Time of payment of claims:

1. All benefits payable under this policy for any loss, other than loss for which this policy provides any periodic payment, will be paid within twenty-five (25) days after receipt of due written proof of such loss in the form of a clean claim where claims are submitted electronically, and will be paid within thirty-five (35) days after receipt of due written proof of such loss in the form of clean claim where claims are submitted in paper format. Benefits due under the policies and claims are overdue if not paid within twenty-five (25) days or thirty-five (35) days, whichever is applicable, after the insurer receives a clean claim containing necessary medical information and other

information essential for the insurer to administer preexisting condition, coordination of benefits and subrogation provisions. A "clean claim" means a claim received by an insurer for adjudication and which requires no further information, adjustment or alteration by the provider of the services or the insured in order to be processed and paid by the insurer. A claim is clean if it has no defect or impropriety, including any lack of substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this provision. A clean claim includes resubmitted claims with previously identified deficiencies corrected. Errors, such as system errors, attributable to the insurer, do not change the clean claim status.

A clean claim does not include any of the following:

a. A duplicate claim, which means an original claim and its duplicate when the duplicate is filed within thirty (30) days of the original claim;

b. Claims which are submitted fraudulently or that are based upon material misrepresentations;

c. Claims that require information essential for the insurer to administer preexisting condition, coordination of benefits or subrogation provisions; or

d. Claims submitted by a provider more than thirty (30) days after the date of service; if the provider does not submit the claim on behalf of the insured, then a claim is not

clean when submitted more than thirty (30) days after the date of billing by the provider to the insured.

Not later than twenty-five (25) days after the date the insurer actually receives an electronic claim, the insurer shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the provider (where the claim is owed to the provider) or the insured (where the claim is owed to the insured) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Not later than thirty-five (35) days after the date the insurer actually receives a paper claim, the insurer shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the provider (where the claim is owed to the provider) or the insured (where the claim is owed to the insured) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Any claim or portion thereof resubmitted with the supporting documentation and information requested by the insurer shall be paid within twenty (20) days after receipt.

For purposes of this provision, the term "pay" means that the insurer shall either send cash or a cash equivalent by United States mail, or send cash or a cash equivalent by other means such as electronic transfer, in full satisfaction of the appropriate

benefit due the provider (where the claim is owed to the provider) or the insured (where the claim is owed to the insured). To calculate the extent to which any benefits are overdue, payment shall be treated as made on the date a draft or other valid instrument was placed in the United States mail to the last known address of the provider (where the claim is owed to the provider) or the insured (where the claim is owed to the insured) in a properly addressed, postpaid envelope, or, if not so posted, or not sent by United States mail, on the date of delivery of payment to the provider or insured.

2. Subject to due written proof of loss, all accrued benefits for loss for which this policy provides periodic payment will be paid _____ (insert period for payment which must not be less frequently than monthly), and any balance remaining unpaid upon the termination of liability will be paid within thirty (30) days after receipt of due written proof.

3. If the claim is not denied for valid and proper reasons by the end of the applicable time period prescribed in this provision, the insurer must pay the provider (where the claim is owed to the provider) or the insured (where the claim is owed to the insured) interest on accrued benefits at the rate of three percent (3%) per month accruing from the day after payment was due on the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated. Whenever interest due pursuant to this provision is less than One Dollar ($1.00), such amount

shall be credited to the account of the person or entity to whom such amount is owed. The provisions of this subparagraph 3 shall not apply to any claims or benefits owed under Medicare Advantage plans or Medicare Advantage Prescription Drug plans.

4. In the event the insurer fails to pay benefits when due, the person entitled to such benefits may bring action to recover such benefits, any interest which may accrue as provided in subparagraph 3 of this paragraph (h) and any other damages as may be allowable by law. If it is determined in such action that the insurer acted in bad faith as evidenced by a repeated or deliberate pattern of failing to pay benefits and/or claims when due, the person entitled to such benefits (health care provider or insured) shall be entitled to recover damages in an amount up to three (3) times the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated.

(i) A provision as follows:

Payment of claims:

Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be

payable to the insured. When payments of benefits are made to an insured directly for medical care or services rendered by a health care provider, the health care provider shall be notified of such payment. The notification requirement shall not apply to a fixed-indemnity policy, a limited benefit health insurance policy, medical payment coverage or personal injury protection coverage in a motor vehicle policy, coverage issued as a supplement to liability insurance or workers' compensation. If the insured provides the insurer with written direction that all or a portion of any indemnities or benefits provided by the policy be paid to a licensed health care provider rendering hospital, nursing, medical or surgical services, then the insurer shall pay directly the licensed health care provider rendering such services. That payment shall be considered payment in full to the provider, who may not bill or collect from the insured any amount above that payment, other than the deductible, coinsurance, copayment or other charges for equipment or services requested by the insured that are noncovered benefits. Any dispute between a provider and the insured arising under these provisions regarding assignment of benefits and billing may be resolved by the Commissioner of Insurance. The Commissioner of Insurance shall adopt any rules and regulations necessary to enforce these provisions regarding assignment of benefits and billing.

(The following provision may be included with the foregoing provision at the option of the insurer: "If any indemnity of this

policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding $_____ (insert an amount which must not exceed One Thousand Dollars ($1,000.00)), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment.")

(j) A provision as follows:

Physical examinations:

The insurer at his own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder.

(k) A provision as follows:

Legal actions:

No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty (60) days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three (3) years after the time written proof of loss is required to be furnished.

(l) A provision as follows:

Change of beneficiary:

Unless the insured makes an irrevocable designation of beneficiary, the right to change the beneficiary is reserved to the insured, and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy, or to any change of beneficiary or beneficiaries, or to any other changes in this policy.

(The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.)

(2) **Other provisions.** Except as provided in subsection (3) of this section, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section. However, the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this subsection or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

(a) A provision as follows:

Change of occupation:

If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the most recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable, or prior to date of proof of change in occupation, with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.

(b) A provision as follows:

Misstatement of age:

If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.

(c) A provision as follows:

Relation of earnings to issuance:

If the total monthly amount of loss of time benefits promised for the same loss under all valid loss of time coverage upon the insured, whether payable on a weekly or monthly basis, shall exceed the monthly earnings of the insured at the time disability commenced or his average monthly earnings for the period of two (2) years immediately preceding a disability for which claim is made, whichever is the greater, the insurer will be liable only for such proportionate amount of such benefits under this policy as the amount of such monthly earnings or such average monthly earnings of the insured bears to the total amount of monthly benefits for the same loss under all such coverage upon the insured at the time such disability commences and for the return of such part of the premiums paid during such two (2) years as shall exceed the pro rata amount of the premiums for the benefits actually paid hereunder; but this shall not operate to reduce the total monthly amount of benefits payable under all such coverage upon the insured below the sum of Two Hundred Dollars ($200.00) or the sum of the monthly benefits specified in such coverages,

whichever is the lesser, nor shall it operate to reduce benefits other than those payable for loss of time.

(The foregoing policy provision may be inserted only in a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty (50) or, (2) in the case of a policy issued after age forty-four (44), for at least five (5) years from its date of issue. The insurer may, at its option, include in this provision a definition of "valid loss of time coverage," approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by governmental agencies or by organizations subject to regulations by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, or to any other coverage the inclusion of which may be approved by the commissioner, or any combination of such coverages. In the absence of such definition, such term shall not include any coverage provided for such insured pursuant to any compulsory benefit statute (including any workers' compensation or employer's liability statute), or benefits provided by union welfare plans or by employer or employee benefit organizations.)

(d) A provision as follows:

Unpaid premium:

Upon the payment of a claim under this policy, any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

(e) A provision as follows:

Cancellation:

The insurer may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than five (5) days thereafter, such cancellation shall be effective; and after the policy has been continued beyond its original term, the insured may cancel this policy at any time by written notice delivered or mailed to the insurer, effective upon receipt or on such later date as may be specified in such notice. In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro rata. Cancellation shall be without prejudice to any claim originating prior to the effective date of cancellation.

(f) A provision as follows:

Conformity with state statutes:

Any provision of this policy which, on its effective date, is in conflict with the statutes of the state in which the insured

resides on such date is hereby amended to conform to the minimum requirements of such statutes.

(g) A provision as follows:

Illegal occupation:

The insurer shall not be liable for any loss to which a contributing cause was the insured's commission of or attempt to commit a felony or to which a contributing cause was the insured's being engaged in an illegal occupation.

(h) A provision as follows:

Intoxicants and narcotics:

The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician.

(3) **Inapplicable or inconsistent provisions.** If any provision of this section is, in whole or in part, inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.

(4) **Order of certain policy provisions.** The provisions which are the subject of subsections (1) and (2) of this section, or any corresponding provisions which are used in lieu thereof in

accordance with such subsections, shall be printed in the consecutive order of the provisions in such subsections or, at the option of the insurer, any such provision may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be, in whole or in part, unintelligible, uncertain, ambiguous, abstruse or likely to mislead a person to whom the policy is offered, delivered or issued.

(5) **Third-party ownership.** The word "insured," as used in Sections 83-9-1 through 83-9-21, Mississippi Code of 1972, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured, or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

(6) **Requirements of other jurisdictions.**

(a) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the insured or the beneficiary than the provisions of Sections 83-9-1 through 83-9-21, Mississippi Code of 1972, and which is prescribed or required by the law of the state under which the insurer is organized.

(b) Any policy of a domestic insurer may, when issued for delivery in any other state or country, contain any provision permitted or required by the laws of such other state or country.

(7) **Filing procedure.** The commissioner may make such reasonable rules and regulations concerning the procedure for the filing or submission of policies subject to the cited sections as are necessary, proper or advisable to the administration of said sections. This provision shall not abridge any other authority granted the commissioner by law.

(8) **Administrative penalties.**

(a) If the commissioner finds that an insurer, during any calendar year, has paid at least eighty-five percent (85%), but less than ninety-five percent (95%), of all clean claims received from all providers during that year in accordance with the provisions of subsection (1)(h) of this section, the commissioner may levy an aggregate penalty in an amount not to exceed Ten Thousand Dollars ($10,000.00). If the commissioner finds that an insurer, during any calendar year, has paid at least fifty percent (50%), but less than eighty-five percent (85%), of all clean claims received from all providers during that year in accordance with the provisions of subsection (1)(h) of this section, the commissioner may levy an aggregate penalty in an amount of not less than Ten Thousand Dollars ($10,000.00) nor more than One Hundred Thousand Dollars ($100,000.00). If the commissioner finds that an insurer, during any calendar year, has

paid less than fifty percent (50%) of all clean claims received from all providers during that year in accordance with the provisions of subsection (1)(h) of this section, the commissioner may levy an aggregate penalty in an amount not less than One Hundred Thousand Dollars ($100,000.00) nor more than Two Hundred Thousand Dollars ($200,000.00). In determining the amount of any fine, the commissioner shall take into account whether the failure to achieve the standards in subsection (1)(h) of this section were due to circumstances beyond the control of the insurer. The insurer may request an administrative hearing to contest the assessment of any administrative penalty imposed by the commissioner pursuant to this subsection within thirty (30) days after receipt of the notice of assessment.

(b) Examinations to determine compliance with subsection (1)(h) of this section may be conducted by the commissioner or any of his examiners. The commissioner may contract with qualified impartial outside sources to assist in examinations to determine compliance. The expenses of any such examinations shall be paid by the insurer examined.

(c) Nothing in the provisions of subsection (1)(h) of this section shall require an insurer to pay claims that are not covered under the terms of a contract or policy of accident and sickness insurance.

(d) An insurer and a provider may enter into an express written agreement containing timely claim payment provisions which

differ from, but are at least as stringent as, the provisions set forth under subsection (1)(h) of this section, and in such case, the provisions of the written agreement shall govern the timely payment of claims by the insurer to the provider. If the express written agreement is silent as to any interest penalty where claims are not paid in accordance with the agreement, the interest penalty provision of subsection (1)(h)3 of this section shall apply.

(e) The commissioner may adopt rules and regulations necessary to ensure compliance with this subsection.

**SECTION 2.** Section 83-9-3, Mississippi Code of 1972, is brought forward as follows:

83-9-3. (1) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:

(a) The entire money and other considerations therefor are expressed therein; and

(b) The time at which the insurance takes effect and terminates is expressed therein; and

(c) It purports to insure only one (1) person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two (2) or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen

(19) years, and any other person dependent upon the policyholder; and

(d) The style, arrangement and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lowercase unspaced alphabet length not less than one-hundred-twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(e) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 83-9-5, are printed, at the insurer's option, either with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(f) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(g) It contains no provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(2) No individual or group policy covering health and accident insurance (including experience-rated insurance contracts, indemnity contracts, self-insured plans and self-funded plans), or any group combinations of these coverages, shall be issued by any commercial insurer doing business in this state which, by the terms of such policy, limits or excludes payment because the individual or group insured is eligible for or is being provided medical assistance under the Mississippi Medicaid Law. Any such policy provision in violation of this section shall be invalid.

(3) No individual or group policy covering health and accident insurance (including experience-rated insurance contracts, indemnity contracts, self-insured plans and self-funded plans) or any group combinations of these coverages, shall be issued by any commercial insurer doing business in this state, which, by the terms of such policy, limits or restricts the insured's ability to assign the insured's benefits under the policy to a licensed health care provider that provides health care services to the insured. Commercial insurers doing business

in this state shall honor an assignment for a period of one (1) year starting from the initial date of an assignment. Any such policy provision in violation of this subsection shall be invalid.

(4) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may, by ruling, require that such policy meet the standards set forth in subsection (1) of this section and in Section 83-9-5.

(5) The commissioner shall collect and pay into the special fund in the State Treasury designated as the "Insurance Department Fund" the following fees for services provided under this section:

| FORM | FEE |
|---|---|
| Each individual policy contract, including revisions | $15.00 |
| Each group master policy or contract, including revisions | 15.00 |
| Each rider, endorsement or amendment, etc. | 10.00 |
| Each insurance application where written application is required and is to be made a part of the policy or contract | 10.00 |
| Each questionnaire | 7.00 |
| Charge for resubmission where payment is not included | |

with original submission..... 5.00

Additional charge for tentative approval same as above.

(6) In order to expedite and become more efficient in reviewing and approving accident and health form and rate filings, the commissioner may establish an expedited form and rate review procedure whereby insurers may elect to pay reasonable actuarial fees directly to a department-approved actuarial service in exchange for an expedited review of form and rate filings by the actuarial service. The commissioner may make such reasonable rules and regulations concerning the expedited procedure, and may set reasonable fees for the actuarial services provided. This provision shall not abridge any other authority granted to the commissioner by law, including the authority to collect the filing fees prescribed by this section.

(7) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

(8) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 96

**Description:** Baby Drop-off Law; revise.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/24 | (H) Referred To Public Health and Human Services |
| 2 | 02/20 | (H) Title Suff Do Pass |
| 3 | 03/04 | (H) Passed {Vote} |
| 4 | 03/05 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Judiciary, Division A |
| 6 | 06/02 | (S) Title Suff Do Pass As Amended |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

**Code Section:** A 043-0015-0201, A 043-0015-0207

**----- Additional Information -----**

***House Committee:*** Public Health and Human Services
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Bain
***Additional Authors:*** Miles, Anthony

***Title:*** AN ACT TO AMEND SECTIONS 43-15-201 AND 43-15-207, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE BABY DROP-OFF LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Bain, Miles, Anthony To: Public Health and Human Services

HOUSE BILL NO. 96
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 43-15-201 AND 43-15-207, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS UNDER THE BABY DROP-OFF LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 43-15-201, Mississippi Code of 1972, is amended as follows:

43-15-201. (1) An emergency medical services provider, without a court order, shall take possession of a child who is * * * seven (7) days old or younger if the child is voluntarily delivered to the provider by the child's parent and the parent did not express an intent to return for the child.

(2) The parent who surrenders the baby shall not be required to provide any information pertaining to his or her identity, nor shall the emergency medical services provider inquire as to same. If the identity of the parent is known to the emergency medical services provider, the emergency medical services provider shall keep the identity confidential.

(3) A female presenting herself to a hospital through the emergency room or otherwise, who is subsequently admitted for purposes of labor and delivery, does not give up the legal protections or anonymity guaranteed under this section. If the mother clearly expresses a desire to voluntarily surrender custody of the newborn after birth, the emergency medical services provider can take possession of the child, without further action by the mother, as if the child had been presented to the emergency medical services provider in the same manner outlined above in subsection (1) of this section.

(a) If the mother expresses a desire to remain anonymous, identifying information may be obtained for purposes of securing payment of labor and delivery costs only. If the birth mother is a minor, the hospital may use the identifying information to secure payment through Medicaid, but shall not notify the minor's parent or guardian without the minor's consent.

(b) The identity of the birth mother shall not be placed on the birth certificate or disclosed to the Department of Human Services.

(4) There is a presumption that by relinquishing a child in accordance with this section, the parent consents to the termination of his or her parental rights with respect to the child. As such, the parent waives the right to notification required by subsequent court proceedings.

(5) An emergency medical services provider who takes possession of a child under this section shall perform any act necessary to protect the physical health or safety of the child.

**SECTION 2.** Section 43-15-207, Mississippi Code of 1972, is amended as follows:

43-15-207. For the purposes of this article, an emergency medical services provider shall mean a licensed hospital, as defined in Section 41-9-3, which operates an emergency department * * *, an adoption agency duly licensed by the Department of Human Services, or fire station or mobile ambulance staffed with full-time firefighters, emergency medical technicians or paramedics. An emergency medical services provider does not include the offices, clinics, surgeries or treatment facilities of private physicians or dentists. No individual licensed healthcare provider, including physicians, dentists, nurses, physician assistants or other health professionals shall be deemed to be an emergency medical services provider under this article unless such individual voluntarily assumes responsibility for the custody of the child.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 127

**Description:** Budget process; provide for certain transfers into CEF and delete transfer of EEF funds into rainy day fund.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/24 | (H) Referred To Appropriations |
| 2 | 02/20 | (H) Title Suff Do Pass |
| 3 | 03/04 | (H) Passed {Vote} |
| 4 | 03/05 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Appropriations |
| 6 | 06/04 | (S) Title Suff Do Pass As Amended |
| 7 | 06/11 | (S) Amended |
| 8 | 06/11 | (S) Passed As Amended {Vote} |
| 9 | 06/12 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/18 | (H) Conferees Named Read,Cockerham,White |
| 12 | 06/19 | (S) Conferees Named Hopson,Wiggins,Blackwell |
| 13 | 06/29 | (S) Conference Report Filed |
| 14 | 06/29 | (H) Conference Report Filed |
| 15 | 06/30 | (H) Conference Report Adopted {Vote} |
| 16 | 06/30 | (S) Conference Report Adopted {Vote} |
| 17 | 07/02 | (S) Enrolled Bill Signed |
| 18 | 07/02 | (H) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 127

Conference Reports:
| Conference Report

**Code Section:** A 037-0061-0033, A 041-0113-0011

**----- Additional Information -----**

***House Committee:*** Appropriations
***Senate Committee:*** Appropriations

***Principal Author:*** Read
***Additional Authors:*** Foster

***Title:*** AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT TO DEPOSIT INTO THE WORKING CASH-STABILIZATION RESERVE FUND A CERTAIN SUM FROM THE MONEY REMAINING IN THE EDUCATION ENHANCEMENT FUND AFTER FUNDS ARE DISTRIBUTED FOR EDUCATIONAL PURPOSES; TO AMEND SECTION 41-113-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY FUNDS APPROPRIATED FROM THE TOBACCO CONTROL PROGRAM FUND THAT ARE UNEXPENDED AT THE END OF THE FISCAL YEAR SHALL LAPSE INTO THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2020; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Read, Foster To: Appropriations

HOUSE BILL NO. 127
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-61-33, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT TO DEPOSIT INTO THE WORKING CASH-STABILIZATION RESERVE FUND A CERTAIN SUM FROM THE MONEY REMAINING IN THE EDUCATION ENHANCEMENT FUND AFTER FUNDS ARE DISTRIBUTED FOR EDUCATIONAL PURPOSES; TO AMEND SECTION 41-113-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY FUNDS APPROPRIATED FROM THE TOBACCO CONTROL PROGRAM FUND THAT ARE UNEXPENDED AT THE END OF THE FISCAL YEAR SHALL LAPSE INTO THE HEALTH CARE EXPENDABLE FUND; TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2020; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-61-33, Mississippi Code of 1972, is amended as follows:

37-61-33. (1) There is created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

(2) Of the amount deposited into the Education Enhancement Fund, Sixteen Million Dollars ($16,000,000.00) shall be appropriated each fiscal year to the State Department of Education to be distributed to all school districts. Such money shall be distributed to all school districts in the proportion that the

average daily attendance of each school district bears to the average daily attendance of all school districts within the state for the following purposes:

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training buildings, libraries, teachers' homes, school barns, transportation vehicles (which shall include new and used transportation vehicles) and garages for transportation vehicles, and purchasing land therefor.

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.

(c) Providing necessary water, light, heating, air-conditioning and sewerage facilities for school buildings, and purchasing land therefor.

(d) As a pledge to pay all or a portion of the debt service on debt issued by the school district under Sections 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302 and 37-41-81, or debt issued by boards of supervisors for agricultural high schools pursuant to Section 37-27-65, if such pledge is accomplished pursuant to a written contract or resolution approved and spread upon the minutes of an official meeting of the district's school board or board of supervisors.

The annual grant to such district in any subsequent year during the term of the resolution or contract shall not be reduced below an amount equal to the district's grant amount for the year in which the contract or resolution was adopted. The intent of this provision is to allow school districts to irrevocably pledge a certain, constant stream of revenue as security for long-term obligations issued under the code sections enumerated in this paragraph or as otherwise allowed by law. It is the intent of the Legislature that the provisions of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

(3) The remainder of the money deposited into the Education Enhancement Fund shall be appropriated as follows:

(a) To the State Department of Education as follows:

(i) Sixteen and sixty-one one-hundredths percent (16.61%) to the cost of the adequate education program determined under Section 37-151-7; of the funds generated by the percentage set forth in this section for the support of the adequate education program, one and one hundred seventy-eight one-thousandths percent (1.178%) of the funds shall be appropriated to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1

through 37-43-59 to approved nonpublic schools, as described in Section 37-43-1. The funds to be distributed to each nonpublic school shall be in the proportion that the average daily attendance of each nonpublic school bears to the total average daily attendance of all nonpublic schools;

(ii) Seven and ninety-seven one-hundredths percent (7.97%) to assist the funding of transportation operations and maintenance pursuant to Section 37-19-23; and

(iii) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all eligible teachers within the state through the use of procurement cards. Classroom supply funds shall not be expended for administrative purposes. On or before September 1 of each year, local school districts shall determine and submit to the State Department of Education the number of teachers eligible to receive an allocation for the current year. For purposes of this subparagraph, "teacher" means any employee of the school board of a school district, or the Mississippi School for the Arts, the Mississippi School for Math and Science, the Mississippi School for the Blind or the Mississippi School for the Deaf, who is required by law to obtain a teacher's license from the State Department of Education and who is assigned to an instructional area of work as defined by the department, but shall not include a federally funded teacher. It is the intent of the Legislature

that all classroom teachers shall utilize these funds in a manner that addresses individual classroom needs and supports the overall goals of the school regarding supplies, instructional materials, equipment, computers or computer software under the provisions of this subparagraph, including the type, quantity and quality of such supplies, materials and equipment. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate. Effective with the 2013-2014 school year, the local school board shall require each school to issue procurement cards provided by the Department of Finance and Administration under the provisions of Section 31-7-9(1)(c) for the use of teachers and necessary support personnel in making instructional supply fund expenditures under this section, consistent with the regulations of the Mississippi Department of Finance and Administration pursuant to Section 31-7-9. Such procurement cards shall be issued at the beginning of the school year and shall be issued in equal amounts per teacher determined by the total number of qualifying personnel and the current state appropriation for classroom supplies with the Education Enhancement Fund. Such cards will expire on a pre-determined date at the end of each school year. All

unexpended amounts will be carried forward, combined with the following year's allocation of Education Enhancement Fund instructional supplies funds and reallocated for the following year;

(b) Twenty-two and nine one-hundredths percent (22.09%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of supporting institutions of higher learning; and

(c) Fourteen and forty-one one-hundredths percent (14.41%) to the Mississippi Community College Board for the purpose of providing support to community and junior colleges.

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section shall be * * * appropriated for other educational needs.

(5) None of the funds appropriated pursuant to subsection (3)(a) of this section shall be used to reduce the state's General Fund appropriation for the categories listed in an amount below the following amounts:

(a) For subsection (3)(a)(ii) of this section, Thirty-six Million Seven Hundred Thousand Dollars ($36,700,000.00);

(b) For the aggregate of minimum program allotments in the 1997 fiscal year, formerly provided for in Chapter 19, Title 37, Mississippi Code of 1972, as amended, excluding those funds

for transportation as provided for in paragraph (a) of this subsection.

(6) Any funds appropriated from the Education Enhancement Fund that are unexpended at the end of a fiscal year shall lapse into the Education Enhancement Fund, except as otherwise provided in subsection (3)(a)(iii) of this section.

**SECTION 2.** Section 41-113-11, Mississippi Code of 1972, is amended as follows:

41-113-11. (1) There is established in the State Treasury a special fund to be known as the Tobacco Control Program Fund, which shall be comprised of the funds specified in subsection (2) of this section and any other funds that are authorized or required to be deposited into the special fund.

(2) From the tobacco settlement installment payments that the State of Mississippi receives during each calendar year, the sum of Twenty Million Dollars ($20,000,000.00) shall be deposited into the special fund.

(3) Monies in the fund shall be expended solely for the purposes specified in this chapter. None of the funds in the special fund may be transferred to any other fund or appropriated or expended for any other purpose.

(4) All income from the investment of the funds in the Tobacco Control Program Fund shall be credited to the account of the Tobacco Control Program Fund. Any funds in the Tobacco Control Program Fund at the end of a fiscal year shall not lapse

into the State General Fund. Any funds appropriated from the Tobacco Control Program Fund that are unexpended at the end of a fiscal year shall lapse into the Tobacco Control Program Fund * * *. However, beginning with fiscal year 2020, any funds appropriated from the Tobacco Control Program Fund that are unexpended at the end of the fiscal year * * * shall lapse into the Health Care Expendable Fund.

**SECTION 3.** During fiscal year 2020, the State Fiscal Officer shall transfer the sum of Fifty-five Million Dollars ($55,000,000.00) from the Working Cash-Stabilzation Reserve Fund (Fund Number 3399200000) to the Capital Expense Fund (Fund Number 6499C00000).

**SECTION 4.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 264

**Description:** Mississippi Highway Safety Patrol officers and Mississippi Bureau of Narcotics officers; clarify salaries of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* ** See Text

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/27 | (H) Referred To Appropriations |
| 2 | 02/20 | (H) Title Suff Do Pass |
| 3 | 02/25 | (H) Passed {Vote} |
| 4 | 02/26 | (H) Transmitted To Senate |
| 5 | 02/28 | (S) Referred To Appropriations |
| 6 | 06/04 | (S) Title Suff Do Pass |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 264

**Code Section:** A 045-0001-0012

**----- Additional Information -----**

***House Committee:*** Appropriations
***Senate Committee:*** Appropriations

***Principal Author:*** Read
***Additional Authors:*** Gibbs (72nd)

***Title:*** AN ACT TO AMEND SECTION 45-1-12, MISSISSIPPI CODE OF 1972, TO CLARIFY THE SALARIES OF ALL OFFICERS OF THE MISSISSIPPI HIGHWAY

SAFETY PATROL AND THE MISSISSIPPI BUREAU OF NARCOTICS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Read, Gibbs (72nd) To: Appropriations

HOUSE BILL NO. 264
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-1-12, MISSISSIPPI CODE OF 1972, TO CLARIFY THE SALARIES OF ALL OFFICERS OF THE MISSISSIPPI HIGHWAY SAFETY PATROL AND THE MISSISSIPPI BUREAU OF NARCOTICS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 45-1-12, Mississippi Code of 1972, is amended as follows:

45-1-12. (1) The salaries of all officers of the Mississippi Highway Safety Patrol who have completed the course of instruction in an authorized highway patrol training school on general law enforcement, and are serving as a sworn officer of the Highway Patrol in the enforcement of the laws of the State of Mississippi, including service in the driver's license division and the sworn officers of the Mississippi Bureau of Narcotics, shall be determined and paid in accordance with the scale for officers salaries as provided in this subsection:

**Department of Public Safety Sworn Officers Salary Schedule -**

*** * * <u>2021-2022</u> Fiscal Year and Thereafter**

| **Rank** | **Years of Experience** |
|---|---|

| | Less than 4 | Over 4 | Over 8 | Over 12 |
|---|---|---|---|---|
| Trooper | * * *39,140 | | | |
| Trooper FC | | * * *42,230 | | |
| Corporal | | | * * *45,320 | |
| Sergeant | | | | * * *48,410 |

| **Rank** | **Years of Experience** | | | |
|---|---|---|---|---|
| | Over 16 | Over 20 | Over 24 | Over 29 |
| Staff Sgt. | * * *51,500 | | | |
| Sr. Staff Sgt. | | * * *54,590 | | |
| Sgt. 1st Class | | | * * *57,680 | * * * |
| | | | | 60,770 |

| **Rank** | **Years of Experience** | | | | | |
|---|---|---|---|---|---|---|
| | Over 5 | Over 10 | Over 15 | Over 20 | Over 25 | Over 29 |
| Master Sgt. | * * * | * * * | * * * | * * * | * * * | * * * |
| | 54,590 | 57,680 | 60,770 | 63,860 | 66,950 | 70,040 |
| Lieutenant | * * * | * * * | * * * | * * * | * * * | * * * |
| | 63,860 | 66,950 | 70,040 | 73,130 | 76,220 | 79,310 |
| Captain | | * * * | * * * | * * * | * * * | * * * |
| | | 76,220 | 79,310 | 82,400 | 85,490 | 88,580 |
| Major | | | * * * | * * * | * * * | * * * |
| | | | 88,580 | 91,670 | 94,760 | 97,850 |
| Lt. Colonel | | | * * * | * * * | * * * | * * * |
| | | | 97,850 | 100,940 | 104,030 | 107,120 |
| Colonel | | | * * * | * * * | * * * | * * * |
| | | | 115,360 | 115,360 | 115,360 | 115,360 |

**Department of Public Safety/MS Bureau of Narcotics**

**Sworn Officers Salary Schedule**

*** * * 2021-2022 Fiscal Year and Thereafter**

| **Rank** | **Years of Experience** | | | |
|---|---|---|---|---|
| | Less than 4 | Over 4 | Over 8 | Over 12 |
| LE-Agent I | * * *39,140 | | | |
| LE-Agent II | | * * *42,230 | | |
| LE-Agent III | | | * * *45,320 | |
| LE-Agent IV | | | | * * *48,410 |

| **Rank** | **Years of Experience** | | | |
|---|---|---|---|---|
| | Over 16 | Over 20 | Over 24 | Over 29 |
| LE-Agent V | * * *51,500 | | | |
| LE-Agent VI | | * * *54,590 | | |

| **Rank** | **Years of Experience** | | | | | |
|---|---|---|---|---|---|---|
| | Over 7 | Over 12 | Over 17 | Over 22 | Over 27 | Over 32 |
| Lieutenant | * * * | * * * | * * * | * * * | * * * | * * * |
| | 63,860 | 66,950 | 70,040 | 73,130 | 76,220 | 79,310 |
| Captain | * * * | * * * | * * * | * * * | * * * | |
| | 76,220 | 79,310 | 82,400 | 85,490 | 88,580 | |
| Major | * * * | * * * | * * * | * * * | | |
| | 88,580 | 91,670 | 94,760 | 97,850 | | |
| Lt. Colonel | | * * * | * * * | * * * | * * * | |
| | | 97,850 | 100,940 | 104,030 | 107,120 | |
| Colonel | | | * * * | * * * | * * * | * * * |
| | | | 115,360 | 115,360 | 115,360 | 115,360 |

(2) All sworn officers in the Mississippi Highway Patrol and the Mississippi Bureau of Narcotics employed on a full-time basis shall be paid a salary in accordance with the above scale. The rank and years of experience of each sworn officer to be used in establishing the salary shall be determined by the rank and years of experience on July 1 of the current fiscal year.

(3) For purposes of applying the rank designation to the above scale, the following job classifications of the State Personnel Board shall be applicable for the Mississippi Highway Patrol:

| Rank | Job Classes |
|---|---|
| (a) Trooper | DPS-Highway Patrol Officer I |
| | LE-Investigator II |
| (b) Trooper First Class | DPS-Highway Patrol Officer II |
| | LE-Investigator III |
| (c) Corporal | DPS-Highway Patrol Officer III |
| | LE-Investigator IV |
| (d) Sergeant | DPS-Highway Patrol Officer IV |
| | LE-Investigator V |
| (e) Staff Sergeant | DPS-Highway Patrol Officer V |
| (f) Senior Staff Sergeant | DPS-Highway Patrol Officer VI |
| | Tech Spec |
| (g) Master Sgt/Sgt. F/C | DPS-Assistant Inspector |
| | DPS-Highway Patrol Officer VII |
| | DPS-Investigator I |

| | |
|---|---|
| | DPS-Supv. Driver Serv. |
| (h) Lieutenant | DPS-Air Operations Officer |
| | DPS-Dir. Corr. Intelligence |
| | DPS-Dist. Executive Officer |
| | DPS-Regional Supv. Driver. Serv. |
| | DPS-Branch Director |
| | LE-Dir/Training |
| | LE-Dist. Investigator |
| (i) Captain | DPS-Staff Officer (MHP) |
| (j) Major | DPS-Bureau Director II |
| (k) Lt. Colonel | DPS-Deputy Administrator; |
| | DPS-Chief of Staff |
| (l) Colonel/Chief of Patrol | Dir-Office of MS Hwy Safety Patrol |

(4) For purposes of applying the rank designation to the above scale, the following job classifications of the State Personnel Board shall be applicable for the Mississippi Bureau of Narcotics:

| **Rank** | **Job Classes** |
|---|---|
| (a) Agents | LE-Agent I |
| | LE-Agent II |
| | LE-Agent III |
| | LE-Agent IV |
| | LE-Agent V |
| | LE-Agent VI |
| (b) Lieutenant | BN-District Investigator (LT) |

| | | |
|---|---|---|
| (c) | Captain | BN-District Commander |
| (d) | Major | BN-Bureau Director II |
| | | Office Director I |
| (e) | Lt. Colonel | BN-Deputy Administrator |
| (f) | Colonel | Director, Bureau of Narcotics |

(5) In any fiscal year after July 1, 2015, in the event the Legislature provides across-the-board salary increases to state employees whose compensation is paid from the State General Fund and subject to specific appropriation therefor by the Legislature, the State Personnel Board shall revise the salary scale above to provide the same percentage or dollar amount increase as has been appropriated for other state employees.

(6) It shall be the duty of the Mississippi Department of Public Safety to file with the Legislative Budget Office and the State Fiscal Officer such data and information as may be required to enable the said Legislative Budget Office and State Fiscal Officer to budget and distribute the funds necessary to compensate the sworn officers of the Department of Public Safety according to the requirements of the salary scale. Such data and information so filed may be revised from time to time as necessitated to reflect the current number and experience of sworn officers employed by the department.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 353

**Description:** Persons who violate final orders, resolutions or ordinances of local government; require to pay attorney fees to enforce orders, resolutions/ordinances.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/31 | (H) Referred To Judiciary A |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/10 | (H) Passed {Vote} |
| 4 | 03/11 | (H) Transmitted To Senate |
| 5 | 05/12 | (S) Referred To Municipalities; County Affairs |
| 6 | 06/09 | (S) DR - TSDPAA: MU To CA |
| 7 | 06/09 | (S) Title Suff Do Pass As Amended |
| 8 | 06/15 | (S) Amended |
| 9 | 06/15 | (S) Passed As Amended {Vote} |
| 10 | 06/17 | (S) Returned For Concurrence |
| 11 | 06/19 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/23 | (H) Enrolled Bill Signed |
| 13 | 06/24 | (S) Enrolled Bill Signed |
| 14 | 06/30 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 353

**----- Additional Information -----**

***House Committee:*** Judiciary A
***Senate Committee:*** Municipalities, County Affairs

***Principal Author:*** Lamar

***Title:*** AN ACT TO PROVIDE THAT WHEN A PERSON FAILS TO ABIDE BY A FINAL ORDER, RESOLUTION OR ORDINANCE OF THE BOARD OF SUPERVISORS OF ANY COUNTY OR THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY,

AS THE CASE MAY BE, SUCH PERSON SHALL PAY ALL COURT COSTS AND ATTORNEY FEES IF A COUNTY OR MUNICIPALITY FILES A CIVIL ACTION TO ENFORCE THE ORDER, RESOLUTION OR ORDINANCE OF THE COUNTY OR MUNICIPALITY, AND PREVAILS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Judiciary A

HOUSE BILL NO. 353
(As Sent to Governor)

AN ACT TO PROVIDE THAT WHEN A PERSON FAILS TO ABIDE BY A FINAL ORDER, RESOLUTION OR ORDINANCE OF THE BOARD OF SUPERVISORS OF ANY COUNTY OR THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY, AS THE CASE MAY BE, SUCH PERSON SHALL PAY ALL COURT COSTS AND ATTORNEY FEES IF A COUNTY OR MUNICIPALITY FILES A CIVIL ACTION TO ENFORCE THE ORDER, RESOLUTION OR ORDINANCE OF THE COUNTY OR MUNICIPALITY, AND PREVAILS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) For purposes of this section:

(a) "Local government" means the board of supervisors of any county or the governing authorities of any municipality.

(b) "Person" means any individual, corporation or any other legal entity.

(2) If a local government passes an order, resolution or ordinance that is final and is no longer appealable to the local government and a person continues to violate a final decision of the local government regarding the order, resolution or ordinance, as the case may be, and the local government then files a civil action to enforce such order, resolution or ordinance, the person shall pay all court costs and attorney fees associated with the

enforcement of the order, resolution or ordinance. The court costs and attorney fees shall be paid by such person after the court costs and attorney fees have been submitted to and approved by the court in which the action was taken, and only if the local government prevails.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 359

**Description:** Motor vehicles; delete five-day requirement regarding towing and storage of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/31 | (H) Referred To Transportation |
| 2 | 02/27 | (H) Title Suff Do Pass Comm Sub |
| 3 | 03/10 | (H) Committee Substitute Adopted |
| 4 | 03/10 | (H) Passed {Vote} |
| 5 | 03/12 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Judiciary, Division B |
| 7 | 06/03 | (S) Title Suff Do Pass As Amended |
| 8 | 06/11 | (S) Amended |
| 9 | 06/11 | (S) Passed As Amended {Vote} |
| 10 | 06/12 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Decline to Concur/Invite Conf |
| 12 | 06/22 | (H) Conferees Named Busby,Smith,Clark |
| 13 | 06/23 | (S) Conferees Named Wiggins,Fillingane,Hill |
| 14 | 06/25 | (S) Conference Report Filed |
| 15 | 06/25 | (H) Conference Report Filed |
| 16 | 06/26 | (H) Conference Report Adopted {Vote} |
| 17 | 06/29 | (S) Conference Report Adopted {Vote} |
| 18 | 07/01 | (H) Enrolled Bill Signed |
| 19 | 07/02 | (S) Enrolled Bill Signed |
| 20 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 359

Conference Reports:
| Conference Report

**Code Section:** A 085-0007-0251, A 063-0017-0074

**----- Additional Information -----**

***House Committee:*** Transportation
***Senate Committee:*** Judiciary, Division B

***Principal Author:*** Anderson (122nd)

***Title:*** AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972, TO DELETE THE FIVE-DAY REQUIREMENT THAT A TOWED VEHICLE BE LEFT WITHOUT THE REAL PROPERTY OWNER'S PERMISSION BEFORE THE VEHICLE OWNER SHALL BE LIABLE FOR THE REASONABLE PRICE OF TOWING AND STORAGE OF THE VEHICLE; TO AMEND SECTION 63-17-74, MISSISSIPPI CODE OF 1972, TO ADD AN EXCEPTION TO THE PROVISION THAT MAKES IT UNLAWFUL FOR A PERSON TO SELL A MOTOR VEHICLE THAT IS NOT TITLED AND REGISTERED IN SUCH PERSON'S NAME FOR A WRECKER SERVICE OR AUTOMOBILE REPAIR SERVICE/BUSINESS SELLING A MOTOR VEHICLE THAT IS LEGALLY BEING HELD FOR SALE AS MERCHANDISE; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 359

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Anderson (122nd) To: Transportation

HOUSE BILL NO. 359
(As Sent to Governor)

AN ACT TO AMEND SECTION 85-7-251, MISSISSIPPI CODE OF 1972, TO DELETE THE FIVE-DAY REQUIREMENT THAT A TOWED VEHICLE BE LEFT WITHOUT THE REAL PROPERTY OWNER'S PERMISSION BEFORE THE VEHICLE OWNER SHALL BE LIABLE FOR THE REASONABLE PRICE OF TOWING AND STORAGE OF THE VEHICLE; TO AMEND SECTION 63-17-74, MISSISSIPPI CODE OF 1972, TO ADD AN EXCEPTION TO THE PROVISION THAT MAKES IT UNLAWFUL FOR A PERSON TO SELL A MOTOR VEHICLE THAT IS NOT TITLED AND REGISTERED IN SUCH PERSON'S NAME FOR A WRECKER SERVICE OR AUTOMOBILE REPAIR SERVICE/BUSINESS SELLING A MOTOR VEHICLE THAT IS LEGALLY BEING HELD FOR SALE AS MERCHANDISE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 85-7-251, Mississippi Code of 1972, is amended as follows:

85-7-251. (1) The owner of a motor vehicle that has been towed at his request or at the direction of a law enforcement officer, or towed upon request of a real property owner upon whose property a vehicle has been left without permission of the real property owner * * *, shall be liable for the reasonable price of towing and storage of such vehicle; and the towing company to whom the price of such labor and storage costs may be due shall have

the right to retain possession of such motor vehicle until the price is paid.

(2) Within twenty-four (24) hours, the towing company shall report to the local law enforcement agency having jurisdiction any vehicle that has been towed unless the vehicle was towed at the request of the owner of the vehicle. If the owner of a towed vehicle has not contacted the towing company within five (5) business days of the initial tow, the towing company shall obtain from the appropriate authority the names and addresses of any owner and lienholder. If the information from the appropriate authority fails to disclose the owner or lienholder, a good faith effort shall be made by the towing company to locate ownership, including a check for tag information, inspection sticker, or any papers in the vehicle that may indicate ownership. Upon location of the owner and lienholder, the towing company shall notify them by registered mail of the amount due for towing, postmarked no later than the tenth day following the initial tow. If such amount shall not be paid within thirty (30) days from the initial tow, the towing company to whom such charges are payable shall notify by certified mail any legal owner and holder of any lien, as disclosed by the motor vehicle title records or other investigation, of notice of sale of the property. If such property has not been redeemed within ten (10) days after the mailing of the certified letter, the towing company may commence sale of the property at public auction. The towing company shall

publish for two (2) consecutive weeks a notice of sale in the newspaper having circulation in the county where the vehicle was initially towed. The proceeds of the sale of such property in excess of the amount needed to pay the towing, reasonable storage and necessary expenses of the procedures required by this section shall be held by the towing company for a period of six (6) months, and, if not reclaimed by the owner thereof within such time, shall become the property of the county and be paid to the chancery clerk of the county in which the sale was held to be deposited into the county general fund, subject, however, to any rights of the recorded lienholder.

(3) The failure to make a good faith effort to comply with the requirements of this section shall preclude the imposition of any storage charges or towing charges against the towed vehicle.

(4) Every towing company shall maintain accurate records for a period of three (3) years, which records shall identify the vehicles it has towed and stored and all procedures that it has taken to comply with the provisions of this chapter.

**SECTION 2.** Section 63-17-74, Mississippi Code of 1972, is amended as follows:

63-17-74. (1) It is unlawful for a person to sell a motor vehicle that is not titled and registered in the name of that person unless the person is:

(a) An heir, successor or assignee of the owner of the motor vehicle;

(b) A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles;

(c) A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section 63-21-39;

(d) A person selling a motor vehicle under the Mississippi Title Pledge Act;

(e) An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim; * * *

(f) A finance company or bank selling a motor vehicle * * *; or

(g) A wrecker service or automobile repair service/business selling a motor vehicle that is legally being held for sale as merchandise.

All local and state law enforcement agencies have jurisdiction to enforce this section.

(2) Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) per violation.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 379

**Description:** Mississippi Marketplace Facilitator Act of 2020; create.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/31 | (H) Referred To Ways and Means |
| 2 | 02/20 | (H) Title Suff Do Pass Comm Sub |
| 3 | 02/25 | (H) Committee Substitute Adopted |
| 4 | 02/25 | (H) Passed As Amended {Vote} |
| 5 | 02/25 | (H) Motion to Reconsider Entered (Hines, Lamar, Steverson) |
| 6 | 02/27 | (H) Motion to Reconsider Tabled |
| 7 | 02/28 | (H) Transmitted To Senate |
| 8 | 05/11 | (S) Referred To Finance |
| 9 | 06/04 | (S) Title Suff Do Pass As Amended |
| 10 | 06/12 | (S) Amended |
| 11 | 06/12 | (S) Passed As Amended {Vote} |
| 12 | 06/16 | (S) Returned For Concurrence |
| 13 | 06/17 | (H) Decline to Concur/Invite Conf |
| 14 | 06/18 | (H) Conferees Named Lamar,Steverson,Massengill |
| 15 | 06/18 | (S) Conferees Named Harkins,Doty,Thompson |
| 16 | 06/18 | (H) Conference Report Filed |
| 17 | 06/18 | (S) Conference Report Filed |
| 18 | 06/19 | (H) Conference Report Adopted {Vote} |
| 19 | 06/19 | (S) Conference Report Adopted {Vote} |
| 20 | 06/23 | (H) Enrolled Bill Signed |
| 21 | 06/24 | (S) Enrolled Bill Signed |
| 22 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 2 (Cmte Sub)Lost Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 379
Conference Reports:
| Conference Report

**Code Section:** A 027-0065-0007, A 027-0065-0009, A 027-0067-0003, A 027-0067-0011, A 027-0067-0031

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO CREATE THE MISSISSIPPI MARKETPLACE FACILITATOR ACT OF 2020; TO AMEND SECTION 27-65-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "RETAILER" AND "RETAIL SALE" UNDER THE MISSISSIPPI SALES TAX LAW; TO AMEND SECTION 27-65-9, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "DOING BUSINESS" UNDER THE MISSISSIPPI SALES TAX LAW; TO AMEND SECTION 27-67-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PERSON DOING BUSINESS IN THIS STATE" UNDER THE MISSISSIPPI USE TAX LAW; TO DEFINE THE TERMS "MARKETPLACE FACILITATOR," "MARKETPLACE SELLER" AND "REMOTE SELLER" UNDER THE MISSISSIPPI USE TAX LAW; TO AMEND SECTION 27-67-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO AUDIT A MARKETPLACE FACILITATOR SOLELY FOR SALES MADE BY MARKETPLACE SELLERS AND FACILITATED BY THE MARKETPLACE FACILITATOR; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL NOT AUDIT A MARKETPLACE SELLER FOR SALES FACILITATED BY A MARKETPLACE FACILITATOR EXCEPT TO THE EXTENT A MARKETPLACE FACILITATOR SEEKS RELIEF FROM LIABILITY TO COLLECT AND REMIT USE TAX DUE TO INCORRECT OR INSUFFICIENT INFORMATION GIVEN TO THE MARKETPLACE FACILITATOR BY THE MARKETPLACE SELLER; TO SPECIFY THAT THE MARKETPLACE FACILITATOR AND THE MARKETPLACE SELLER ARE NOT PROHIBITED, UNDER CERTAIN CIRCUMSTANCES, FROM CONTRACTUALLY AGREEING TO HAVE THE MARKETPLACE SELLER COLLECT AND REMIT ALL APPLICABLE TAXES AND FEES; TO AMEND SECTION 27-67-31, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF STATE USE TAX REVENUE THAT IS DIVERTED TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 379
(As Sent to Governor)

AN ACT TO CREATE THE MISSISSIPPI MARKETPLACE FACILITATOR ACT OF 2020; TO AMEND SECTION 27-65-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERMS "RETAILER" AND "RETAIL SALE" UNDER THE MISSISSIPPI SALES TAX LAW; TO AMEND SECTION 27-65-9, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "DOING BUSINESS" UNDER THE MISSISSIPPI SALES TAX LAW; TO AMEND SECTION 27-67-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PERSON DOING BUSINESS IN THIS STATE" UNDER THE MISSISSIPPI USE TAX LAW; TO DEFINE THE TERMS "MARKETPLACE FACILITATOR," "MARKETPLACE SELLER" AND "REMOTE SELLER" UNDER THE MISSISSIPPI USE TAX LAW; TO AMEND SECTION 27-67-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO AUDIT A MARKETPLACE FACILITATOR SOLELY FOR SALES MADE BY MARKETPLACE SELLERS AND FACILITATED BY THE MARKETPLACE FACILITATOR; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL NOT AUDIT A MARKETPLACE SELLER FOR SALES FACILITATED BY A MARKETPLACE FACILITATOR EXCEPT TO THE EXTENT A MARKETPLACE FACILITATOR SEEKS RELIEF FROM LIABILITY TO COLLECT AND REMIT USE TAX DUE TO INCORRECT OR INSUFFICIENT INFORMATION GIVEN TO THE MARKETPLACE FACILITATOR BY THE MARKETPLACE SELLER; TO SPECIFY THAT THE MARKETPLACE FACILITATOR AND THE MARKETPLACE SELLER ARE NOT PROHIBITED, UNDER CERTAIN CIRCUMSTANCES, FROM CONTRACTUALLY AGREEING TO HAVE THE MARKETPLACE SELLER COLLECT AND REMIT ALL APPLICABLE TAXES AND FEES; TO AMEND SECTION 27-67-31, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF STATE USE TAX REVENUE THAT IS DIVERTED TO THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-65-7, Mississippi Code of 1972, is amended as follows:

27-65-7. "Retailer" shall apply to a person making retail sales through vending machines, by maintaining a store, or operating as a transient vendor, or renting or leasing tangible personal property. Retailer also includes persons who facilitate the sale of services or tangible personal property that belongs to a third party.

"Retail sales" shall mean and include all sales of tangible personal property except those defined herein as wholesale and those made to a wholesaler, jobber, manufacturer or custom processor for resale or for further processing.

"Retail sale" shall include the value of any tangible personal property manufactured or purchased at wholesale which is withdrawn from the business or stock in trade and is used or consumed within this state in the business or by the owner or by any other person, whether or not in the regular course of business or trade.

"Retail sale" shall also include a sale invoiced to a retailer but delivered to another person who pays for the merchandise upon taking possession.

"Retail sale" shall also include a sale made or facilitated by a person regularly engaged in the sale or facilitation of sales of services or tangible personal property. "Retail sale" does not include a sale by a third-party food delivery service that delivers food from an unrelated restaurant to a customer, regardless of whether the customer orders and pays for the food

through the delivery service or whether the delivery service adds fees or upcharges to the price of the food.

**SECTION 2.** Section 27-65-9, Mississippi Code of 1972, is amended as follows:

27-65-9. (1) "Business" shall mean and include all activities or acts engaged in (personal or corporate), for benefit or advantage, either direct or indirect, and not exempting subactivities in connection therewith. Each of such subactivities shall be considered business engaged in, taxable in the class in which it falls.

(2) "Business" shall include activities engaged in by exempt organizations or political entities in competition with privately owned business subject to the provisions of this chapter; however, the term "business" shall not include the following activities:

(a) Sales of prepaid student meal plans by public or private universities, colleges and community or junior colleges;

(b) Sales of prepared meals by any public or private school to students in kindergarten through Grade 12; and

(c) Retail sales of prepared meals when:

(i) Sold on the campus of a public or private university, college or community or junior college in this state to a student enrolled at such university, college or community or junior college; and

(ii) Payment for the sale is made through the use of a prepaid declining balance account or similar instrument or

account issued to such student by the university, college or community or junior college that may be used only to purchase prepared meals.

(3) "Business" shall include the activity or activities of a person in this state performing a service under contract or agreement with another person when the service performed is taxable under the provisions of this chapter.

(4) "Doing business" shall include any person owning personal property located in this state under lease or rental agreement or any person installing personal property within this state.

(5) "Doing business" shall include any person represented in this state by salesmen taking or soliciting orders to be filled from points outside this state for subsequent delivery of the merchandise in equipment owned or leased by the seller to customers located in this state.

(6) "Doing business" shall include any person selling or facilitating the sale of services or tangible personal property.

**SECTION 3.** Section 27-67-3, Mississippi Code of 1972, is amended as follows:

27-67-3. Whenever used in this article, the words, phrases and terms shall have the meaning ascribed to them as follows:

(a) "Tax Commission" or "department" means the Department of Revenue of the State of Mississippi.

(b) "Commissioner" means the Commissioner of Revenue of the Department of Revenue.

(c) "Person" means any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate or any other group or combination acting as a unit and includes the plural as well as the singular in number. "Person" shall also include husband or wife, or both, where joint benefits are derived from the operation of a business taxed hereunder or where joint benefits are derived from the use of property taxed hereunder.

(d) "Taxpayer" means any person liable for the payment of any tax hereunder, or liable for the collection and payment of the tax.

(e) "Sale" or "purchase" means the exchange of properties for money or other consideration, and the barter of properties or products. Every closed transaction by which title to, or possession of, tangible personal property or specified digital products passes shall constitute a taxable event. A transaction whereby the possession of property or products is transferred but the seller retains title as security for payment of the selling price shall be deemed a sale.

(f) "Purchase price" or "sales price" means the total amount for which tangible personal property or specified digital product is purchased or sold, valued in money, including installation and service charges, and freight charges to the point

of use within this state, without any deduction for cost of property or products sold, expenses or losses, or taxes of any kind except those exempt by the sales tax law. "Purchase price" or "sales price" shall not include cash discounts allowed and taken or merchandise returned by customers when the total sales price is refunded either in cash or by credit, and shall not include amounts allowed for a trade-in of similar property or products. "Purchase price" or "sales price" does not include finance charges, carrying charges or any other addition to the selling price as a result of deferred payments by the purchaser.

(g) "Lease" or "rent" means any agreement entered into for a consideration that transfers possession or control of tangible personal property or specified digital products to a person for use within this state.

(h) "Value" means the estimated or assessed monetary worth of a thing or property. The value of property or products transferred into this state for sales promotion or advertising shall be an amount not less than the cost paid by the transferor or donor. The value of property or products which have been used in another state shall be determined by its cost less straight line depreciation provided that value shall never be less than twenty percent (20%) of the cost or other method acceptable to the commissioner. On property or products imported by the manufacturer thereof for rental or lease within this state, value

shall be the manufactured cost of the property and freight to the place of use in Mississippi.

(i) "Tangible personal property" means personal property perceptible to the human senses or by chemical analysis, as opposed to real property or intangibles. "Tangible personal property" shall include printed, mimeographed, multigraphed matter, or material reproduced in any other manner, and books, catalogs, manuals, publications or similar documents covering the services of collecting, compiling or analyzing information of any kind or nature. However, reports representing the work of persons such as lawyers, accountants, engineers and similar professionals shall not be included. "Tangible personal property" shall also include tangible advertising or sales promotion materials such as, but not limited to, displays, brochures, signs, catalogs, price lists, point of sale advertising materials and technical manuals. Tangible personal property shall also include computer software programs.

(j) "Person doing business in this state," "person maintaining a place of business within this state," or any similar term means any person having within this state an office, a distribution house, a salesroom or house, a warehouse, or any other place of business, or owning personal property located in this state used by another person, or installing personal property in this state. This definition also includes any person selling or taking orders for any tangible personal property, either

personally, by mail or through an employee representative, salesman, commission agent, canvasser, solicitor or independent contractor or by any other means from within the state. "Person doing business in this state" also includes any marketplace facilitator, marketplace seller, or remote seller with sales that exceed Two Hundred Fifty Thousand Dollars ($250,000.00) in any consecutive twelve-month period. A sale made through a marketplace facilitator is a sale of the marketplace facilitator and not the sale of a marketplace seller for purposes of determining whether a person exceeds Two Hundred Fifty Thousand Dollars ($250,000.00) in sales.

Any person doing business under the terms of this article by reason of coming under any one or more of the qualifying provisions listed above shall be considered as doing business on all transactions involving sales to persons within this state.

(k) "Use" or "consumption" means the first use or intended use within this state of tangible personal property or specified digital product and shall include rental or loan by owners or use by lessees or other persons receiving benefits from use of the property or product. "Use" or "consumption" shall include the benefit realized or to be realized by persons importing or causing to be imported into this state tangible advertising or sales promotion materials.

(l) "Storage" means keeping tangible personal property or specified digital product in this state for subsequent use or consumption in this state.

(m) "Specified digital products" shall have the meaning ascribed to such term in Section 27-65-26.

(n) "Marketplace facilitator" means any person who facilitates a retail sale by a seller by:

(i) Listing or advertising for sale by the retailer in any forum, tangible personal property, services or digital goods that are subject to tax under this chapter; and

(ii) Either directly or indirectly through agreements or arrangements with third parties collecting payment from the customer and transmitting that payment to the retailer regardless of whether the marketplace provider receives compensation or other consideration in exchange for its service.

(o) "Marketplace seller" means a seller that makes sales through any physical or electronic marketplace owned, operated, or controlled by a marketplace facilitator, even if such seller would not have been required to collect and remit sales tax had the sale not been made through such marketplace.

(p) "Remote seller" means a person, other than a marketplace facilitator, that does not maintain a place of business in this state and that through a forum sells tangible personal property, taxable services or specified digital products,

the sale or use of which is subject to the tax imposed by this chapter.

**SECTION 4.** Section 27-67-11, Mississippi Code of 1972, is amended as follows:

27-67-11. (1) Every person maintaining a place of business, or doing business, in this state, shall collect the tax imposed by this article from the purchaser and remit the tax to the commissioner as hereinafter provided. Failure to collect the tax from the purchaser shall not relieve the seller of liability for payment of the tax.

(2) This section does not affect or impair the:

(a) Obligation of a purchaser in this state to remit use tax on any applicable transaction in which the seller does not collect and remit sales or use tax;

(b) Obligation of a seller, when the seller is transacting business in the state and tax is collected on the transaction, to remit all state and local taxes on any applicable transaction in which the seller provides goods or furnishes services within the state.

(c) Ability of a state entity to immediately collect the taxes described in this section.

(3) The department shall audit a marketplace facilitator solely for sales made by marketplace sellers and facilitated by the marketplace facilitator. The department shall not audit marketplace sellers for sales facilitated by a marketplace

facilitator except to the extent the marketplace facilitator seeks relief from liability under subsection (5) of this section.

(4) A marketplace facilitator that collects and remits the taxes imposed by this chapter shall collect taxes on sales through its marketplace based upon the address where the tangible personal property or specified digital products taxable under this chapter are shipped or delivered; provided, however, that taxes on services sold through its marketplace shall be collected as otherwise provided.

(5) A marketplace facilitator is relieved of liability under this section for failure to collect and remit the correct amount of tax under this section to the extent that the failure was due to incorrect or insufficient information given to the marketplace facilitator by the marketplace seller, provided that the marketplace facilitator can demonstrate it made a reasonable effort to obtain correct and sufficient information from the marketplace seller. This subsection does not apply if the marketplace facilitator and the marketplace seller are related.

(6) Nothing herein shall prohibit the marketplace facilitator and the marketplace seller from contractually agreeing to have the marketplace seller collect and remit all applicable taxes and fees where the marketplace seller:

(a) Has annual United States gross sales over One Billion Dollars ($1,000,000,000.00), including the gross sales of any related entities, and in the case of franchised entities,

including the combined sales of all franchisees of a single franchisor;

(b) Provides evidence to the marketplace facilitator that it is registered under Section 27-65-27 or Section 27-67-9 in this state; and

(c) Notifies the department in a manner prescribed by the department that the marketplace seller will collect and remit all applicable taxes on its sales through the marketplace and is liable for failure to collect or remit applicable taxes on its sales.

( * * *7) Any person selling tangible personal property or specified digital products that does not maintain a place of business in this state may be authorized by the commissioner to collect the tax from customers in Mississippi who are liable for its payment, and such person shall remit the tax to the commissioner in the same manner and subject to the same requirements as a person maintaining a place of business or doing business within this state. Such authority may be cancelled at any time when, in the judgment of the commissioner, the tax can be collected more effectively from the purchaser in this state. When the tax has been collected from the purchaser, the seller shall be liable for payment of the tax to the commissioner.

( * * *8) Every person required or authorized to collect the tax shall add to the sales price of tangible personal property, services or specified digital products the amount of the tax

imposed on purchaser for the use, storage, or consumption thereof, and, when so added, the tax shall be a debt from the purchaser to the seller until paid, and shall be collectible at law in the same manner as other debts. It shall be unlawful for any person to advertise, hold out, or state to the public or to any customer that the tax herein imposed will be assumed or absorbed by the seller or that any part thereof will be refunded. Said tax shall be stated separately from the sales price on the sales invoice and shown separately on the seller's records. The purchaser shall pay the tax to the seller as trustee for and on account of the state.

**SECTION 5.** Section 27-67-31, Mississippi Code of 1972, is amended as follows:

27-67-31. All administrative provisions of the sales tax law, and amendments thereto, including those which fix damages, penalties and interest for failure to comply with the provisions of said sales tax law, and all other requirements and duties imposed upon taxpayer, shall apply to all persons liable for use taxes under the provisions of this article. The commissioner shall exercise all power and authority and perform all duties with respect to taxpayers under this article as are provided in said sales tax law, except where there is conflict, then the provisions of this article shall control.

The commissioner may require transportation companies to permit the examination of waybills, freight bills, or other

documents covering shipments of tangible personal property into this state.

On or before the fifteenth day of each month, the amount received from taxes, damages and interest under the provisions of this article during the preceding month shall be paid and distributed as follows:

(a) On or before July 15, 1994, through July 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited in the School Ad Valorem Tax Reduction Fund created pursuant to Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total use tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Four Million Dollars ($4,000,000.00). Thereafter, the amounts diverted under this paragraph (a) during the fiscal year in excess of Four Million Dollars ($4,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(b) On or before July 15, 1994, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the Education Enhancement Fund created pursuant to Section 37-61-33.

(c) On or before July 15, 1997, and on or before the fifteenth day of each succeeding month thereafter, the revenue collected under the provisions of this article imposed and levied as a result of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section 27-51-105.

(d) On or before July 15, 1997, and on or before the fifteenth day of each succeeding month thereafter and after the deposits required by paragraphs (a) and (b) of this section are made, the remaining revenue collected under the provisions of this article imposed and levied as a result of Section 27-65-17(1) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund created pursuant to Section 27-51-105.

(e) On or before August 15, 2019, and each succeeding month thereafter through July 15, 2020, three and three-fourths percent (3-3/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2020, and each succeeding month thereafter through July 15, 2021, seven and one-half percent (7-1/2%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2021, and each succeeding month thereafter through July 15, 2022, eleven and one-fourth percent (11-1/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1). On or before August 15, 2022, and each succeeding month thereafter, fifteen percent (15%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(1).

(f) On or before August 15, 2019, and each succeeding month thereafter through July 15, 2020, three and three-fourths percent (3-3/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2020, and each succeeding month thereafter

through July 15, 2021, seven and one-half percent (7-1/2%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2021, and each succeeding month thereafter through July 15, 2022, eleven and one-fourth percent (11-1/4%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2). On or before August 15, 2022, and each succeeding month thereafter, fifteen percent (15%) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the special fund created in Section 27-67-35(2).

(g) On or before August 15, 2019, and each succeeding month thereafter through July 15, 2020, Four Hundred Sixteen Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents ($416,666.67) or one and one-fourth percent (1-1/4%) of the total use tax revenue collected during the preceding month under the provisions of this article, whichever is the greater amount, shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13. On or before August 15, 2020, and each succeeding month thereafter through July 15, 2021, Eight Hundred Thirty-three Thousand Three Hundred Thirty-three Dollars and Thirty-four Cents ($833,333.34) or two and one-half percent (2-1/2%) of the total use tax revenue

collected during the preceding month under the provisions of this article, whichever is the greater amount, shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13. On or before August 15, 2021, and each succeeding month thereafter through July 15, 2022, One Million Two Hundred Fifty Thousand Dollars ($1,250,000.00) or three and three-fourths percent (3-3/4%) of the total use tax revenue collected during the preceding month under the provisions of this article, whichever is the greater amount, shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13. On or before August 15, 2022, and each succeeding month thereafter, One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars and Sixty-seven Cents ($1,666,666.67) or five percent (5%) of the total use tax revenue collected during the preceding month under the provisions of this article, whichever is the greater amount, shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13.

(h) On or before August 15, 2020, and each succeeding month thereafter through July 15, 2022, One Million Dollars ($1,000,000.00) of the total use tax revenue collected during the preceding month under the provisions of this article shall be deposited into the Local System Bridge Replacement and Rehabilitation Fund created in Section 65-37-13. Amounts deposited into the Local System Bridge Replacement and

Rehabilitation Fund under this paragraph (h) shall be in addition to amounts deposited into the fund under paragraph (g) of this section.

( * * *i) The remainder of the amount received from taxes, damages and interest under the provisions of this article shall be paid into the General Fund of the State Treasury by the commissioner.

**SECTION 6.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 415

**Description:** Counties; authorize boards of supervisors to pay county employees every two weeks.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/03 | (H) Referred To County Affairs |
| 2 | 02/25 | (H) Title Suff Do Pass Comm Sub |
| 3 | 03/04 | (H) Committee Substitute Adopted |
| 4 | 03/04 | (H) Passed {Vote} |
| 5 | 03/06 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To County Affairs |
| 7 | 06/02 | (S) Title Suff Do Pass As Amended |
| 8 | 06/17 | (S) Amended |
| 9 | 06/17 | (S) Passed As Amended {Vote} |
| 10 | 06/18 | (S) Returned For Concurrence |
| 11 | 06/19 | (H) Decline to Concur/Invite Conf |
| 12 | 06/22 | (H) Conferees Named Byrd,Taylor,Smith |
| 13 | 06/22 | (S) Conferees Named Hill,Younger,Chism |
| 14 | 06/23 | (H) Conference Report Filed |
| 15 | 06/23 | (S) Conference Report Filed |
| 16 | 06/24 | (S) Conference Report Adopted {Vote} |
| 17 | 06/24 | (H) Conference Report Adopted {Vote} |
| 18 | 06/25 | (H) Enrolled Bill Signed |
| 19 | 06/25 | (S) Enrolled Bill Signed |
| 20 | 07/02 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 415

Conference Reports:

| Conference Report

**Code Section:** A 025-0003-0003, A 025-0003-0017, A 025-0003-0019, A 025-0003-0029, A 025-0003-0036

**----- Additional Information -----**

***House Committee:*** County Affairs
***Senate Committee:*** County Affairs

***Principal Author:*** Powell
***Additional Authors:*** Weathersby, Newman, Shanks, Wallace, Yancey, Owen, Byrd, Anthony

***Title:*** AN ACT TO AMEND SECTION 25-3-3, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE NO. 1063, 2020 REGULAR SESSION, TO AUTHORIZE THE MISSISSIPPI COOPERATIVE EXTENSION SERVICE, RATHER THAN THE INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS, TO ISSUE CERTIFICATES OF EDUCATIONAL RECOGNITION TO TAX ASSESSORS; TO AUTHORIZE COUNTY BOARD OF SUPERVISORS TO PAY THE SALARIES OF TAX ASSESSORS AND COLLECTORS EVERY TWO WEEKS; TO AMEND SECTIONS 25-3-17, 25-3-19, 25-3-29 AND 25-3-36, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SUCH COUNTY BOARD OF SUPERVISORS TO PAY EVERY TWO WEEKS THE SALARIES OF COUNTY PROSECUTING ATTORNEYS, BOARDS OF SUPERVISORS, COUNTY AUDITORS, DEPUTY CHANCERY CLERKS, SHERIFFS, CERTAIN DEPUTY SHERIFFS AND JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Powell, Weathersby, Newman, Shanks, Wallace, Yancey, Owen, Byrd, Anthony

To: County Affairs

HOUSE BILL NO. 415
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-3-3, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE NO. 1063, 2020 REGULAR SESSION, TO AUTHORIZE THE MISSISSIPPI COOPERATIVE EXTENSION SERVICE, RATHER THAN THE INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS, TO ISSUE CERTIFICATES OF EDUCATIONAL RECOGNITION TO TAX ASSESSORS; TO AUTHORIZE COUNTY BOARD OF SUPERVISORS TO PAY THE SALARIES OF TAX ASSESSORS AND COLLECTORS EVERY TWO WEEKS; TO AMEND SECTIONS 25-3-17, 25-3-19, 25-3-29 AND 25-3-36, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SUCH COUNTY BOARD OF SUPERVISORS TO PAY EVERY TWO WEEKS THE SALARIES OF COUNTY PROSECUTING ATTORNEYS, BOARDS OF SUPERVISORS, COUNTY AUDITORS, DEPUTY CHANCERY CLERKS, SHERIFFS, CERTAIN DEPUTY SHERIFFS AND JUSTICE COURT JUDGES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-3-3, Mississippi Code of 1972, as amended by House Bill No. 1063, 2020 Regular Session, is amended as follows:

25-3-3. (1) The term "total assessed valuation" as used in this section only refers to the ad valorem assessment for the county and, in addition, in counties where oil or gas is produced, the actual value of oil at the point of production, as certified to the counties by the Department of Revenue under the provisions of Sections 27-25-501 through 27-25-525, and the actual value of

gas as certified by the Department of Revenue under the provisions of Sections 27-25-701 through 27-25-723.

(2) The salary of assessors and collectors of the various counties is fixed as full compensation for their services as county assessors or tax collectors, or both if the office of assessor has been combined with the office of tax collector. The annual salary of each assessor or tax collector, or both if the offices have been combined, shall be based upon the total assessed valuation of his respective county for the preceding taxable year in the following categories and for the following amounts:

(a) For counties having a total assessed valuation of Three Billion Dollars ($3,000,000,000.00) or more, a salary of Seventy Thousand Five Hundred Sixty Dollars ($70,560.00);

(b) For counties having a total assessed valuation of at least Two Billion Dollars ($2,000,000,000.00) but less than Three Billion Dollars ($3,000,000,000.00), a salary of Sixty-seven Thousand Two Hundred Dollars ($67,200.00);

(c) For counties having a total assessed valuation of at least One Billion Dollars ($1,000,000,000.00) but less than Two Billion Dollars ($2,000,000,000.00), a salary of Sixty-four Thousand Five Hundred Seventy-five Dollars ($64,575.00);

(d) For counties having a total assessed valuation of at least Five Hundred Million Dollars ($500,000,000.00) but less than One Billion Dollars ($1,000,000,000.00), a salary of Sixty-one Thousand Four Hundred Twenty-five Dollars ($61,425.00);

(e) For counties having a total assessed valuation of at least Two Hundred Fifty Million Dollars ($250,000,000.00) but less than Five Hundred Million Dollars ($500,000,000.00), a salary of Fifty-eight Thousand Eight Hundred Dollars ($58,800.00);

(f) For counties having a total assessed valuation of at least One Hundred Fifty Million Dollars ($150,000,000.00) but less than Two Hundred Fifty Million Dollars ($250,000,000.00), a salary of Fifty-six Thousand Seven Hundred Dollars ($56,700.00);

(g) For counties having a total assessed valuation of at least Seventy-five Million Dollars ($75,000,000.00) but less than One Hundred Fifty Million Dollars ($150,000,000.00), a salary of Fifty-five Thousand One Hundred Twenty-five Dollars ($55,125.00);

(h) For counties having a total assessed valuation of less than Seventy-five Million Dollars ($75,000,000.00), a salary of Fifty Thousand Nine Hundred Twenty-nine Dollars ($50,929.00).

(3) In addition to all other compensation paid pursuant to this section, the board of supervisors shall pay to a person serving as both the tax assessor and tax collector in their county an additional Five Thousand Dollars ($5,000.00) per year.

(4) The annual salary established for assessors and tax collectors shall not be reduced as a result of a reduction in total assessed valuation. The salaries shall be increased as a result of an increase in total assessed valuation.

(5) In addition to all other compensation paid to assessors and tax collectors in counties having two (2) judicial districts, the board of supervisors shall pay such assessors and tax collectors an additional Three Thousand Five Hundred Dollars ($3,500.00) per year. In addition to all other compensation paid to assessors or tax collectors, in counties maintaining two (2) full-time offices, the board of supervisors shall pay the assessor or tax collector an additional Three Thousand Five Hundred Dollars ($3,500.00) per year.

(6) In addition to all other compensation paid to assessors and tax collectors, the board of supervisors of a county shall allow for such assessor or tax collector, or both, to be paid additional compensation when there is a contract between the county and one or more municipalities providing that the assessor or tax collector, or both, shall assess or collect taxes, or both, for the municipality or municipalities; and such assessor or tax collector, or both, shall be authorized to receive such additional compensation from the county and/or the municipality or municipalities in any amount allowed by the county and/or the municipality or municipalities for performing those services.

(7) When any tax assessor holds a valid certificate of educational recognition from the * * * Mississippi Cooperative Extension Service or is a licensed appraiser under Section 73-34-1 et seq., he shall receive an additional One Thousand Five Hundred Dollars ($1,500.00) annually beginning the next fiscal

year after completion. When any tax assessor is a licensed state certified Residential Appraiser (RA) or licensed state certified Timberland Appraiser (TA) under Section 73-34-1 et seq., or when any tax assessor holds a valid designation from the International Association of Assessing Officers as a Cadastral Mapping Specialist (CMS) or Personal Property Specialist (PPS) or Residential Evaluation Specialist (RES), he shall receive an additional Six Thousand Five Hundred Dollars ($6,500.00) annually beginning the next fiscal year after completion. When any tax assessor holds the valid designation of Certified Assessment Evaluator (CAE) from the International Association of Assessing Officers or is a state certified General Real Estate Appraiser (GA) under Section 73-34-1 et seq., he shall receive an additional Eight Thousand Five Hundred Dollars ($8,500.00) annually beginning the next fiscal year after completion.

(8) The salaries provided for in this section shall be the total funds paid to the county assessors and tax collectors and shall be full compensation for their services, with any fees being paid to the county general fund.

(9) The salaries provided for in this section shall be payable monthly on the first day of each calendar month by chancery clerk's warrant drawn on the general fund of the county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month or

every two (2) weeks pursuant to Section 25-3-29. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

**SECTION 2.** Section 25-3-17, Mississippi Code of 1972, is amended as follows:

25-3-17. The salaries provided in Sections 25-3-13 and 25-3-15 shall be payable monthly on the first day of each calendar month during the calendar year following that in which the total assessed valuation is determined; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month or every two (2) weeks pursuant to Section 25-3-29. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday. The chancery clerk shall draw his warrant on the general fund of the county, the county road and bridge fund, or any fund of the county available for such purposes.

**SECTION 3.** Section 25-3-19, Mississippi Code of 1972, is amended as follows:

25-3-19. The chancery clerks, as county auditors, shall receive compensation for their services as such the annual amount of Five Thousand Three Hundred Dollars ($5,300.00), payable in equal monthly installments out of the county treasury; however, the board of supervisors, by resolution duly adopted and entered

on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month or every two (2) weeks pursuant to Section 25-3-29. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

**SECTION 4.** Section 25-3-29, Mississippi Code of 1972, is amended as follows:

25-3-29. Except as otherwise therein provided, the salaries mentioned in the foregoing sections shall be paid monthly out of the general county fund, and the * * * salaries and allowances shall be included in the budget of each county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month or every two (2) weeks. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

**SECTION 5.** Section 25-3-36, Mississippi Code of 1972, is amended as follows:

25-3-36. (1) Until October 1, 2008, every justice court judge shall receive as full compensation for his or her services, and in lieu of any and all other fees, costs or compensation heretofore authorized for such justice court judge, an annual salary based upon the population of his or her county according to the latest federal decennial census; however, no justice court

judge shall be paid less than the salary authorized under this section to be paid the justice court judge based upon the population of the county according to the 1980 federal decennial census. The amount of which salary shall be determined as follows:

(a) In counties with a population of more than two hundred thousand (200,000), a salary of Fifty-five Thousand Five Hundred Fifty-nine Dollars ($55,559.00).

(b) In counties with a population of more than one hundred fifty thousand (150,000) but not more than two hundred thousand (200,000), a salary of Fifty-one Thousand Five Dollars ($51,005.00).

(c) In counties with a population of more than seventy-five thousand (75,000) but not more than one hundred fifty thousand (150,000), a salary of Forty-six Thousand Four Hundred Fifty-one Dollars ($46,451.00).

(d) In counties with a population of more than forty-nine thousand (49,000) but not more than seventy-five thousand (75,000), a salary of Forty Thousand Seventy-five Dollars ($40,075.00).

(e) In counties with a population of more than thirty-four thousand (34,000) but not more than forty-nine thousand (49,000), a salary of Thirty-four Thousand Six Hundred Ten Dollars ($34,610.00).

(f) In counties with a population of more than twenty-four thousand five hundred (24,500) but not more than thirty-four thousand (34,000), a salary of Thirty-two Thousand Seven Hundred Eighty-nine Dollars ($32,789.00).

(g) In counties with a population of more than twenty-one thousand (21,000) but not more than twenty-four thousand five hundred (24,500), a salary of Twenty-nine Thousand One Hundred Forty-six Dollars ($29,146.00).

(h) In counties with a population of more than sixteen thousand five hundred (16,500) but not more than twenty-one thousand (21,000), a salary of Twenty-five Thousand Five Hundred Two Dollars ($25,502.00).

(i) In counties with a population of more than twelve thousand (12,000) but not more than sixteen thousand five hundred (16,500), a salary of Twenty-one Thousand Eight Hundred Fifty-nine Dollars ($21,859.00).

(j) In counties with a population of more than eight thousand (8,000) but not more than twelve thousand (12,000), a salary of Eighteen Thousand Dollars ($18,000.00).

(k) In counties with a population of eight thousand (8,000) or less, a salary of Fourteen Thousand Four Hundred Dollars ($14,400.00).

The board of supervisors of any county having two (2) judicial districts and two (2) justice court judges for the county shall pay each justice court judge an amount equal to that

provided in this subsection for judges in the next higher population category per year, if the justice court judge maintains regular office hours and is personally present in the office they maintain for at least thirty (30) hours per week.

In any county having a population greater than eight thousand (8,000) but less than eight thousand five hundred (8,500) according to the 1990 federal decennial census and in which U.S. Highway 61 and Mississippi Highway 4 intersect, the board of supervisors, in its discretion, may pay such justice court judges an additional amount not to exceed the sum of Eleven Thousand Five Hundred Fifty Dollars ($11,550.00) per year, payable beginning April 1, 1997.

In any county having a population greater than ten thousand (10,000) but less than ten thousand five hundred (10,500) according to the 1990 federal decennial census and in which Mississippi Highway 3 and Mississippi Highway 6 intersect, the board of supervisors, in its discretion, may pay such justice court judges an additional amount not to exceed One Thousand Four Hundred Fifty Dollars ($1,450.00) per year, payable beginning April 1, 1997.

In any county having a population greater than twenty-four thousand seven hundred (24,700) and less than twenty-four thousand nine hundred (24,900), according to the 1990 federal census, wherein Mississippi Highways 15 and 16 intersect, the board of supervisors shall pay such justice court judge an additional

amount equal to Two Thousand Five Hundred Dollars ($2,500.00) per year.

(2) From and after October 1, 2008, every justice court judge shall receive as full compensation for his or her services, and in lieu of any and all other fees, costs or compensation heretofore authorized for such justice court judge, an annual salary in an amount that is the greater of the following:

(a) The amount paid to a member of the board of supervisors in the same county in which the justice court judge presides; or

(b) One hundred three percent (103%) of the salary authorized under this section as of September 30, 2008, for a justice court judge in that county.

If supervisors of a county receive a salary increase, justice court judges whose salary is determined under this paragraph shall be paid an amount reflecting a commensurate increase.

(3) Notwithstanding the provisions of subsection (1) of this section, in the event that the number of justice court judges authorized pursuant to Section 9-11-2(1) is exceeded pursuant to the provisions of Section 9-11-2(4), the aggregate of the salaries paid to the justice court judges of such a county shall not exceed the amount sufficient to pay the number of justice court judges authorized pursuant to Section 9-11-2(1), and such amount shall be equally divided among those justice court judges continuing to hold office under the provisions of Section 9-11-2(4).

(4) From and after January 1, 1984, all fees, costs, fines and penalties charged and collected in the justice court shall be paid to the clerk of the justice court for deposit, along with monies from cash bonds and other monies which have been forfeited in criminal cases, into the general fund of the county as provided in Section 9-11-19; and the clerk of the board of supervisors shall be authorized and empowered, upon approval by the board of supervisors, to make disbursements and withdrawals from the general fund of the county in order to pay any reasonable and necessary expenses incurred in complying with this section, including payment of the salaries of justice court judges as provided by subsection (1) of this section. The provisions of this subsection shall not, except as to cash bonds and other monies which have been forfeited in criminal cases, apply to monies required to be deposited in the justice court clerk clearing account as provided in Section 9-11-18, Mississippi Code of 1972.

(5) The salaries provided for in this section shall be payable monthly by warrant drawn by the clerk of the board of supervisors on the general fund of the county; however, the board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month or every two (2) weeks pursuant to Section 25-3-29. If a pay date falls on a

weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

(6) Provided, that the salary of any justice court judge shall not be reduced during his term of office as a result of a population change following a federal decennial census.

(7) Any justice court judge who is unable to attend and hold court by reason of being under suspension by the Commission on Judicial Performance or the Mississippi Supreme Court shall not receive a salary while under such suspension.

**SECTION 6.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 493

**Description:** Counties; may also maintain electronic format of law books in courtrooms and in county public law libraries.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/04 | (H) Referred To County Affairs; Judiciary A |
| 2 | 02/11 | (H) DR - TSDP: CA To JA |
| 3 | 02/26 | (H) DR - TSDPCS: JA To CA |
| 4 | 03/03 | (H) Title Suff Do Pass Comm Sub |
| 5 | 03/05 | (H) Committee Substitute Adopted |
| 6 | 03/05 | (H) Passed {Vote} |
| 7 | 03/09 | (H) Transmitted To Senate |
| 8 | 05/11 | (S) Referred To Judiciary, Division A |
| 9 | 05/28 | (S) Title Suff Do Pass As Amended |
| 10 | 06/10 | (S) Amended |
| 11 | 06/10 | (S) Passed As Amended {Vote} |
| 12 | 06/12 | (S) Returned For Concurrence |
| 13 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 14 | 06/22 | (H) Enrolled Bill Signed |
| 15 | 06/23 | (S) Enrolled Bill Signed |
| 16 | 06/29 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 493

**Code Section:** A 019-0007-0025, A 019-0025-0065, A 019-0007-0031, A 001-0001-0011

**----- Additional Information -----**

***House Committee:*** County Affairs, Judiciary A
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Byrd

**2020 GENERAL LAWS OF MISSISSIPPI HB 493**

***Title:*** AN ACT TO AMEND SECTIONS 19-7-25 AND 19-25-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ADDITION TO PRINTED LAW BOOKS BEING MAINTAINED IN THE COURTROOMS OF COURTHOUSES, AS REQUIRED BY THE BOARDS OF SUPERVISORS, SUCH BOOKS MAY ALSO BE MAINTAINED IN AN ELECTRONIC FORMAT; TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN COUNTY PUBLIC LAW LIBRARIES, LAW BOOKS MAY BE MAINTAINED IN AN ELECTRONIC FORMAT IN ADDITION TO A PRINTED FORMAT; TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF SETS OF THE MISSISSIPPI CODE OF 1972 IN ANY FORMAT BY THE JOINT COMMITTEE ON COMPILATION, REVISION AND PUBLICATION OF LEGISLATION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Byrd

To: County Affairs; Judiciary A

HOUSE BILL NO. 493
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 19-7-25 AND 19-25-65, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ADDITION TO PRINTED LAW BOOKS BEING MAINTAINED IN THE COURTROOMS OF COURTHOUSES, AS REQUIRED BY THE BOARDS OF SUPERVISORS, SUCH BOOKS MAY ALSO BE MAINTAINED IN AN ELECTRONIC FORMAT; TO AMEND SECTION 19-7-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN COUNTY PUBLIC LAW LIBRARIES, LAW BOOKS MAY BE MAINTAINED IN AN ELECTRONIC FORMAT IN ADDITION TO A PRINTED FORMAT; TO AMEND SECTION 1-1-11, MISSISSIPPI CODE OF 1972, TO REVISE THE DISTRIBUTION OF SETS OF THE MISSISSIPPI CODE OF 1972 IN ANY FORMAT BY THE JOINT COMMITTEE ON COMPILATION, REVISION AND PUBLICATION OF LEGISLATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 19-7-25, Mississippi Code of 1972, is amended as follows:

19-7-25. (1) The board of supervisors of each county shall provide and have placed in the courtroom of the courthouse a suitable bookcase, with doors and lock, of sufficient capacity to hold not less than two hundred law books, in which the Mississippi Reports, digests thereof, statutes of the state, and other books belonging or furnished to the county, shall be kept * * *. The board of supervisors shall purchase any volume of * * * the reports, digests and statutes which may be lost or destroyed, and

shall have bound all of such books as need to be rebound for preservation, all of which shall be paid for out of the county treasury. Additional bookcases shall be furnished when necessary.

(2) In addition to the board of supervisors maintaining printed books or physical books as described under subsection (1) of this section, the board of supervisors may also maintain such books in an electronic format.

**SECTION 2.** Section 19-25-65, Mississippi Code of 1972, is amended as follows:

19-25-65. (1) (a) The sheriff shall be the custodian of the books other than record books belonging to the county, and he shall keep the Mississippi Department Reports, census reports, statutes of the state, the "Mississippi Reports," digests, and legislative journals assigned to his county in a suitable and safe bookcase in the courtroom of the courthouse. He shall keep them well bound in leather, or stiff boards with leather back and corners, to be paid for out of the county treasury on the order of the board of supervisors, and he shall preserve them in good condition.

(b) In addition to the sheriff maintaining printed books or physical books as described under paragraph (a) of this subsection, on the order of the board of supervisors, such books may also be maintained in an electronic format.

* * * (2) The sheriff shall be fined Ten Dollars ($10.00) by the court, either circuit or chancery, as for a contempt, for

each volume belonging to the county and which has passed into his custody that shall be out of the courtroom at any term of court. He shall also receive and preserve in the same way all books of every kind, maps, charts, and other like things that may be donated to the county by the state, the United States, from individuals or other sources. He shall not permit any of the books in his keeping to be carried out of the courthouse.

(3) The sheriff shall, in case of binding or rebinding of books belonging to the county, cause the statutes of the state to be labeled "Laws of Mississippi," and the year of their enactment shall appear thereon. If the reports and digests or code are rebound, they shall be labeled as they were originally.

(4) In his settlement with the clerk of the board of supervisors for the month of December of each calendar year, the sheriff shall file with the * * * clerk a sworn itemized statement of the volumes of the Mississippi Reports on hand in the county library on the last business day of * * * the month, and for all volumes missing since the settlement for the previous December the clerk shall debit the * * * sheriff in his * * * settlement at the rate of Four Dollars ($4.00) for each of * * * the missing volumes.

**SECTION 3.** Section 19-7-31, Mississippi Code of 1972, is amended as follows:

19-7-31. (1) (a) The board of supervisors of each county in the state shall have power, by an appropriate order or orders

on its minutes, to establish and maintain in the county courthouse or other suitable public building adjacent or near thereto, a public county law library under such rules, regulations and supervision as it may from time to time ordain and establish, and to that end, the board may accept gifts, grants, donations or bequests of money, furniture, fixtures, books, documents, maps, plats or other property suitable for that purpose.

(b) The board of supervisors shall have power to exchange or sell duplicate volumes or sets of any such books or furniture, and in case of sale, to invest the proceeds in other suitable books or furniture. The board may also purchase or lease from time to time additional books, furniture, or equipment for the public law library.

(c) The board of supervisors may also maintain the books prescribed under this section in an electronic format.

(2) For the purpose of providing suitable quarters for the public law library, the board of supervisors may, in its discretion, expend such sums as may be deemed necessary or proper for that purpose, and may also employ a suitable person as librarian and pay the law librarian such salary as the board, in its discretion, may determine. The board may employ additional librarians or other employees on either a part-time or full-time basis and may pay these additional employees as the board, in its discretion, may determine. The board of supervisors, in their discretion, may contract with the county or municipal library for

any staff or facilities as they deem necessary for the overall management and operation of the county law library. The board of supervisors may contract with the State Law Library for law library services that may be offered by the State Law Library.

* * * (3) If the public law library is * * * established, all books, documents, furniture and other property then belonging to the county library, as provided for in Section 19-7-25, shall be transferred to and become part of the public law library, and all books, documents and publications donated by the state to the county library shall also become a part of the public law library. In that case, Sections 19-7-25 and 19-25-65, relating to the county library, shall be superseded in that county for as long as the public law library is maintained in the county.

(4) The board of supervisors of any * * * county that establishes a public law library, in its discretion, may levy, by way of resolution, additional court costs not exceeding Two Dollars and Fifty Cents ($2.50) per case for each case, both civil and criminal, filed in the chancery, circuit and county courts or any of these in the county, and may levy, by way of resolution, additional court costs not exceeding One Dollar and Fifty Cents ($1.50) per case for each case, both civil and criminal, filed in the justice courts of the county, for the support of the library authorized in the county. If the additional court costs authorized in this section are levied, the clerk or judge of those courts shall collect those costs for all cases filed in his court

and forward same to the chancery clerk, who shall deposit the same in a special account in a county depository for support and maintenance of the library, and the chancery clerk shall be accountable for those funds. However, no such levy shall be made against any cause of action the purpose of which is to commit any person with mental illness, or alcoholic or narcotic * * * addiction to any institution for custodial or medical care, and no such tax shall be collected under this subsection on any cause of action that the proper clerk handling same deems to be in its very nature charitable and in which cause the clerk has not collected his own legal fees.

(5) To accomplish the purposes of this section, the board of supervisors may enter into such arrangement or arrangements with the county bar association of any such county as may seem advisable for the care and operation of the law library, and the board may receive and consider, from time to time, such recommendations as the bar association may deem appropriate regarding the library.

(6) The board of supervisors of each county in which there are two (2) judicial districts, in its discretion, may maintain a law library in each judicial district. In those counties the board, in its discretion, may pay from the county general fund or from the special fund authorized in this section all the costs authorized in this section, provided that the board shall not spend in each judicial district less than the amount of the

special court costs authorized in this section and collected in each such district.

(7) The governing authorities of any municipality, in their discretion, by resolution duly adopted and entered on their official minutes, may levy additional court costs not exceeding One Dollar and Fifty Cents ($1.50) per case for each conviction in the municipal court of the municipality, for the support and maintenance of the county law library in the county within which the municipality is located. The additional costs shall be collected by the clerk of the court, forwarded to the chancery clerk of the county for deposit in a special account in the county depository, and expended for support and maintenance of the county law library in the same manner and in accordance with the same procedure as provided for costs similarly collected in the chancery, circuit, county and justice courts of the county.

**SECTION 4.** Section 1-1-11, Mississippi Code of 1972, is amended as follows:

1-1-11. (1) Except as provided in subsection (2) of this section, the Joint Committee on Compilation, Revision and Publication of Legislation shall distribute or provide for the distribution of the sets of the compilation of the Mississippi Code of 1972 purchased by the state as follows:

Fifty-seven (57) sets to the Mississippi House of Representatives and forty (40) sets to the Mississippi Senate for

the use of the Legislative Reference Bureau, Legislative Services Offices, staffs and committees thereof.

Ten (10) sets to the Governor's Office; nine (9) sets to the Secretary of State; and twenty (20) sets to the Auditor's Office.

One (1) set to each of the following: the Lieutenant Governor; each member of the Legislature; the Treasurer; each district attorney; each county attorney; each judge of the Court of Appeals and each judge of the Supreme, circuit, chancery, county, * * * justice and municipal courts; each Mississippi Senator and Mississippi Representative in Congress; State Superintendent of Education; Director of the Department of Finance and Administration; * * * the Commissioner of Agriculture and Commerce; each Mississippi Transportation Commissioner; * * * the Insurance Commissioner; the Clerk of the Supreme Court; the State Board of Health; each circuit clerk; each chancery clerk in the state for the use of the chancery clerk and the board of supervisors; each sheriff in the state for the use of his office and the county officers; and each county for the county library (and an additional set shall be given to each circuit clerk, chancery clerk, sheriff and county library in counties having two (2) judicial districts).

Six (6) sets to the Performance Evaluation and Expenditure Review (PEER) Committee; three (3) sets to the Director of the Legislative Budget Office; six (6) sets to the Department of Corrections; two (2) sets to the Department of Archives and

History; two (2) sets to the State Soil and Water Conservation Commission; sixty-eight (68) sets to the Attorney General's office; six (6) sets to the Public Service Commission; four (4) sets to the Public Utilities Staff; thirty-five (35) sets to the Department of Revenue; one (1) set to the Board of Tax Appeals; two (2) sets to the State Personnel Board; six (6) sets to the State Law Library; one (1) set to the Library of Congress; ten (10) sets to the University of Mississippi Law School; one (1) set each to the Mississippi School for the Deaf and the Mississippi School for the Blind; one (1) set each to the University of Mississippi, Mississippi State University, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and the Board of Trustees of State Institutions of Higher Learning; and one (1) set to the Supreme Court judges' conference room. In furtherance of the State Library's reciprocal program of code exchange with libraries of the several states, the joint committee shall, at the direction and only upon the written request of the State Librarian, distribute or provide for the distribution of sets of the code to such libraries.

One (1) set to each state junior or community college; three (3) sets to the Department of Wildlife, Fisheries and Parks; two (2) sets to the Department of Environmental Quality; two (2) sets to the Department of Marine Resources; two (2) sets to the

Mississippi Ethics Commission; six (6) sets to the Mississippi Workers' Compensation Commission; four (4) sets to the State Department of Rehabilitation Services; three (3) sets to the Department of Child Protection Services; and * * * four (4) sets to the Department of Human Services. One (1) set to each of the following: State Textbook Procurement Commission; University Medical Center; State Library Commission; Department of Agriculture and Commerce; Forestry Commission; and seventeen (17) sets to the Department of Public Safety. Also, one (1) set to each of the following: Adjutant General, Mississippi Development Authority, Department of Banking and Consumer Finance, Bureau of Building, Grounds and Real Property Management, the State Educational Finance Commission, the Mississippi Board of Vocational and Technical Education, Division of Medicaid, State Board of Mental Health, and Department of Youth Services.

The joint committee is authorized to distribute or provide for the distribution of additional sets of the Mississippi Code, not to exceed three (3) sets, to the office of each district attorney for the use of his assistants.

The joint committee shall provide to the Mississippi House of Representatives and the Mississippi Senate the annual supplements to the Mississippi Code of 1972 for each set of the code maintained by the House and Senate.

* * *

An elected or appointed officeholder in the State of Mississippi, except for a member of the Legislature, shall deliver to his successor in office, or to the joint committee if there is no successor, the set of the Mississippi Code of 1972 provided the officeholder under this section.

Before the joint committee delivers or provides for delivery of a copy of the Mississippi Code of 1972 to an individual officeholder, the joint committee shall prepare and submit a written agreement to the officeholder. The agreement shall, among other provisions, state that the code is the property of the State of Mississippi, that it shall be transferred to the officeholder's successor in office, that the officeholder has an obligation to make such transfer and that the officeholder shall be responsible for the failure to deliver the code and for any damage or destruction to the code, normal wear and tear excepted. The joint committee shall execute the agreement and forward it to the officeholder for execution. The joint committee shall not deliver or provide for delivery of the code to the officeholder until the executed agreement is received by the committee. The joint committee may include in the agreement such other provisions as it may deem reasonable and necessary. In addition to damages or any other remedy for not transferring a set of the code to his successor, an officeholder who does not transfer his set of the code shall be guilty of a misdemeanor and shall, upon conviction, pay a fine of One Thousand Dollars ($1,000.00). Upon request of

the joint committee, the Attorney General shall assist the joint committee in taking such actions as necessary to require an officeholder to transfer the set of code provided under this section to his successor, or to the joint committee if there is no successor, and to recover reimbursement or damages from any officeholder for the loss of or damage or destruction to any volumes of the set of the code provided under this section, other than normal wear and tear.

Replacement of missing, damaged or destroyed sets or volumes of the code provided by this chapter may be obtained from the code publisher through the joint committee at the established state cost, the cost to be borne by the recipient.

No more than one (1) set of the Mississippi Code of 1972 shall be furnished to any one (1) individual, regardless of the office or offices he may hold.

(2) * * * The sets of actual bound volumes of the Mississippi Code of 1972 * * * referenced in subsection (1) shall be provided to each elected state official, elected state district official and member of the Legislature * * * upon written request by the official or member of the Legislature * * * to the Joint Committee on Compilation, Revision and Publication of Legislation * * *.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 524

**Description:** Disaster Assistance Trust Fund; expand uses of and increase maximum amount that may be transferred to.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/04 | (H) Referred To Appropriations |
| 2 | 02/20 | (H) Title Suff Do Pass |
| 3 | 02/25 | (H) Passed {Vote} |
| 4 | 02/26 | (H) Transmitted To Senate |
| 5 | 02/28 | (S) Referred To Appropriations |
| 6 | 06/04 | (S) Title Suff Do Pass As Amended |
| 7 | 06/17 | (S) Amended |
| 8 | 06/17 | (S) Passed As Amended {Vote} |
| 9 | 06/18 | (S) Returned For Concurrence |
| 10 | 06/23 | (H) Decline to Concur/Invite Conf |
| 11 | 06/23 | (H) Conferees Named Read,Bennett,Barton |
| 12 | 06/25 | (S) Conferees Named Hopson,Polk,Norwood |
| 13 | 06/26 | (H) Conference Report Filed |
| 14 | 06/26 | (S) Conference Report Filed |
| 15 | 06/27 | (H) Conference Report Adopted {Vote} |
| 16 | 06/30 | (S) Conference Report Adopted {Vote} |
| 17 | 07/02 | (S) Enrolled Bill Signed |
| 18 | 07/02 | (H) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 524

Conference Reports:
Conference Report

**Code Section:** A 033-0015-0307

**----- Additional Information -----**

***House Committee:*** Appropriations
***Senate Committee:*** Appropriations

***Principal Author:*** Read
***Additional Authors:*** Gibbs (72nd)

***Title:*** AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972, TO PROVIDE NEW PURPOSES FOR WHICH THE DISASTER ASSISTANCE TRUST FUND MAY BE USED BY MEMA TO ASSIST COUNTIES AND MUNICIPALITIES AFTER DISASTERS; TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE TRANSFERRED FROM THE WORKING CASH-STABILIZATION RESERVE FUND TO THE DISASTER ASSISTANCE TRUST FUND FOR ANY DISASTER OR DISASTERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Read, Gibbs (72nd) To: Appropriations

HOUSE BILL NO. 524
(As Sent to Governor)

AN ACT TO AMEND SECTION 33-15-307, MISSISSIPPI CODE OF 1972, TO PROVIDE NEW PURPOSES FOR WHICH THE DISASTER ASSISTANCE TRUST FUND MAY BE USED BY MEMA TO ASSIST COUNTIES AND MUNICIPALITIES AFTER DISASTERS; TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE TRANSFERRED FROM THE WORKING CASH-STABILIZATION RESERVE FUND TO THE DISASTER ASSISTANCE TRUST FUND FOR ANY DISASTER OR DISASTERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 33-15-307, Mississippi Code of 1972, is amended as follows:

33-15-307. (1) The provisions of this article shall be invoked only pursuant to a state of emergency declared by the Governor or an emergency or major disaster declared by the President, or pursuant to an executive order of the Governor, or administrative order of the director, in order to provide state or local government resources and personnel in compliance with the provisions of the Emergency Management Assistance Compact, Section 45-18-1 et seq., or in nondeclared times for administrative and training costs associated with state disaster response and recovery programs. Each declaration shall cite the cause for the

declaration and define the area eligible for assistance and the type of assistance to be provided.

(2) The Disaster Assistance Trust Fund is created as a special fund in the State Treasury into which shall be paid any funds appropriated or otherwise made available by the Legislature for disaster assistance, any funds transferred from the Working Cash-Stabilization Reserve Fund as provided under subsection (5) of this section, any income from investment of the funds in the trust fund, and federal reimbursement for administrative costs for management of the Individuals and Households Program (IHP), the Public Assistance Program, the Hazard Mitigation Program and Disaster Reservist Program.

(3) Income from investment of the funds in the trust fund, and all other funds deposited therein pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this article.

(4) The Disaster Assistance Trust Fund shall be used only for the following purposes:

(a) The state's portion of the cost share for public assistance under a major disaster declaration.

(b) The state's cost share of the Individuals and Households Program (IHP) pursuant to Section 33-15-209(1) under a major disaster declared by the President.

(c) Administrative costs for managing the IHP * * *.

(d) Administrative costs for managing the Public Assistance Program.

(e) The State Temporary Housing Program pursuant to Section 33-15-217 under a state of emergency declared by the Governor.

(f) Out-of-pocket expenses, including travel, per diem, overtime and other similar expenses, of state or local agencies when so tasked by the Governor or the director for emergency response under the provisions of Section 33-15-11(b)(7) and current executive orders. This includes actual emergency response and recovery activities, and applies to mobilization and deployment of personnel from state or local agencies to another state under the provisions of the Emergency Management Assistance Compact. At the discretion of the director, this may include reimbursement of costs to local governments for overtime and backfill of deployed personnel within the state under the provisions of Section 33-15-15(a) and to jurisdictions who are signatories of the Statewide Mutual Aid Compact (SMAC).

(g) Costs incurred as a result of state active duty for the Mississippi National Guard when so tasked by the Governor to provide support to other agencies and local governments in a major disaster or emergency situation, or when tasked by the Governor to provide support to another state under the provisions of the Emergency Management Assistance Compact.

(h) The state's portion of the cost share for hazard mitigation under a major disaster declaration.

(i) Administrative costs of the Hazard Mitigation Program.

(j) Costs incurred as a result of the implementation of the Disaster Reservist Program under a major disaster declaration.

(k) Administrative costs of the Disaster Reservist Program.

(l) Costs incurred as a result of the implementation of public assistance, and/or individual assistance, and/or Disaster Reservist Program, and/or hazard mitigation, and/or temporary housing under a Governor's state of emergency.

(m) The state's portion of the cost share for public assistance under a major disaster declaration for tornado or other storm damage to public facilities and infrastructure occurring on November 10, 2002, as provided in Sections 1 through 16 of Chapter 3, Third Extraordinary Session 2002.

(n) Actual costs, including personnel call-back wages, base and overtime wages, travel, per diem and other out-of-pocket expenses incurred by regional response teams as a result of being mobilized or deployed when so tasked by the Governor pursuant to Section 33-15-11(b)(7), or by the director for emergency response pursuant to Section 33-15-15(a).

(o) The state's portion of the cost share for public assistance under the Presidential Declaration of Major Disaster

for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, for hurricane or other storm damage to public facilities and infrastructure as a result of Hurricane Katrina, as provided in Section 3 of Chapter 538, Laws of 2006.

(p) Costs incurred for alternative housing grants up to Two Hundred Fifty Thousand Dollars ($250,000.00) per county, per event, to be administered by the Mississippi Emergency Management Agency for materials only for repairs to communities that do not qualify for Federal Emergency Management Agency Individual Assistance Grants.

(q) Costs incurred by the Mississippi Emergency Management Agency, approved by the executive director, to assist municipalities and counties by allowing them to apply and receive funds for debris removal support, which funds shall be reimbursed to the Mississippi Emergency Management Agency at the date determined after the federal disaster declaration. The Mississippi Emergency Management Agency shall adopt rules and regulations necessary to administer this program.

(5) Whenever the director determines that funds are immediately needed in the Disaster Assistance Trust Fund to provide for disaster assistance under this article, he shall notify the Executive Director of the Department of Finance and Administration of his determination and shall requisition the amount of funds from the Working Cash-Stabilization Fund that are needed in the trust fund, which shall be subject to the

limitations set forth below in this subsection. At the same time he makes the requisition, the director shall notify the Lieutenant Governor, the Speaker of the House of Representatives and the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee of his determination of the need for the funds and the amount that he has requisitioned. Upon receipt of such a requisition from the director, the Executive Director of the Department of Finance and Administration shall ascertain if the amount requisitioned is available in the Working Cash-Stabilization Reserve Fund and is within the limitations set forth below in this subsection and, if it is, he shall transfer that amount from the Working Cash-Stabilization Reserve Fund to the trust fund. If the amount requisitioned is more than the amount available in the Working Cash-Stabilization Fund or above the limitations set forth below in this subsection, the executive director shall transfer the amount that is available within the limitations. The maximum amount that may be transferred from the Working Cash-Stabilization Reserve Fund to the trust fund for any * * * disaster or disasters occurrence shall be * * * One Million Dollars ($1,000,000.00) and the maximum amount that may be transferred during any fiscal year shall be * * * Two Million Dollars ($2,000,000.00).

(6) Unexpended state funds in the Disaster Assistance Trust Fund at the end of a fiscal year shall not lapse into the State

General Fund but shall remain in the trust fund for use under this article for as long as the funds are needed for the particular purpose for which they were appropriated, deposited or transferred into the trust fund. After any state funds in the trust fund are no longer needed for the particular purpose for which they were appropriated, deposited or transferred into the trust fund, the director may use those funds for any other purpose under this article for which they currently are needed and for which other funds are not available. If there is no current need for such funds for any purpose under this article, the funds and the income earned from the investment of the funds shall be transferred back to the particular fund or funds in the State Treasury from which they were appropriated or transferred into the trust fund, upon certification of the director to the Executive Director of the Department of Finance and Administration that the funds are not currently needed; however, if such funds are derived from the proceeds of general obligation bonds issued by the state under Section 3 of Chapter 538, Laws of 2006, such excess funds and the income earned from such funds shall be utilized to pay the debt service on such bonds.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 576

**Description:** Livestock on highways; delete burden on owner of livestock to prove lack of negligence when damages from.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/05 | (H) Referred To Judiciary A |
| 2 | 03/03 | (H) Title Suff Do Pass As Amended |
| 3 | 03/11 | (H) Tabled Subject To Call |
| 4 | 03/12 | (H) Amended |
| 5 | 03/12 | (H) Passed As Amended {Vote} |
| 6 | 03/17 | (H) Transmitted To Senate |
| 7 | 05/11 | (S) Referred To Judiciary, Division A |
| 8 | 06/09 | (S) Title Suff Do Pass As Amended |
| 9 | 06/15 | (S) Amended |
| 10 | 06/15 | (S) Passed As Amended {Vote} |
| 11 | 06/16 | (S) Returned For Concurrence |
| 12 | 06/24 | (H) Decline to Concur/Invite Conf |
| 13 | 06/27 | (H) Conferees Named Cockerham,Felsher,Hood |
| 14 | 06/28 | (S) Conferees Named Doty,McCaughn,England |
| 15 | 06/29 | (H) Conferees Named Cockerham,Blackmon,Tullos |
| 16 | 06/29 | (S) Conference Report Filed |
| 17 | 06/29 | (H) Conference Report Filed |
| 18 | 06/30 | (H) Conference Report Adopted {Vote} |
| 19 | 06/30 | (S) Conference Report Adopted {Vote} |
| 20 | 07/02 | (S) Enrolled Bill Signed |
| 21 | 07/02 | (H) Enrolled Bill Signed |
| 22 | 07/08 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 576

Conference Reports:
| Conference Report

**Code Section:** A 069-0013-0111

**----- Additional Information -----**

***House Committee:*** Judiciary A
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Wallace
***Additional Authors:*** Carpenter, Barnett, Calvert, Ford (54th), Gibbs (36th), Huddleston, Lancaster, Newman, Pigott, Shanks, Smith, Weathersby, White, Evans (45th), Horan, Lamar, Massengill, Steverson, Walker

***Title:*** AN ACT TO AMEND SECTION 69-13-111, MISSISSIPPI CODE OF 1972, TO CONFORM THE LAWS RELATING TO ESTRAYED LIVESTOCK ON HIGHWAYS WITH MISSISSIPPI NEGLIGENCE LAW; TO CREATE A TRANSITION PROVISION TO BE NOTED BY THE EDITOR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Wallace, Carpenter, Barnett, Calvert, Ford (54th), Gibbs (36th), Huddleston, Lancaster, Newman, Pigott, Shanks, Smith, Weathersby, White, Evans (45th), Horan, Lamar, Massengill, Steverson, Walker

To: Judiciary A

HOUSE BILL NO. 576
(As Sent to Governor)

AN ACT TO AMEND SECTION 69-13-111, MISSISSIPPI CODE OF 1972, TO CONFORM THE LAWS RELATING TO ESTRAYED LIVESTOCK ON HIGHWAYS WITH MISSISSIPPI NEGLIGENCE LAW; TO CREATE A TRANSITION PROVISION TO BE NOTED BY THE EDITOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 69-13-111, Mississippi Code of 1972, is amended as follows:

69-13-111. The owners of livestock which through their owner's negligence are found on federal or state designated paved highways or highway rights-of-way shall be subject to any damages as a result of wrecks, loss of life or bodily injury as a result of said livestock being on the above designated highways. * * * This section shall not be applicable to any such highway or highway right-of-way or any type of highway or road located on any levee maintained by the Board of Mississippi Levee Commissioners or the board of levee commissioners for the Yazoo-Mississippi Delta through maintenance contracts calling for or permitting pasturage of livestock on levee rights-of-way.

**SECTION 2.** The provisions of this act shall not be applicable to any case filed before July 1, 2020.

**SECTION 3.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 654

**Description:** Beer and light wine; allow certain cities and towns with population of 1,000 or more to hold elections to permit the sale of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Ways and Means |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/05 | (H) Passed {Vote} |
| 4 | 03/06 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Finance |
| 6 | 06/04 | (S) Title Suff Do Pass |
| 7 | 06/10 | (S) Passed {Vote} |
| 8 | 06/11 | (S) Motion to Reconsider Entered |
| 9 | 06/18 | (S) Amended |
| 10 | 06/18 | (S) Passed As Amended {Vote} |
| 11 | 06/19 | (S) Returned For Concurrence |
| 12 | 06/23 | (H) Concurred in Amend From Senate {Vote} |
| 13 | 06/24 | (S) Enrolled Bill Signed |
| 14 | 06/24 | (H) Enrolled Bill Signed |
| 15 | 07/01 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 654

**Code Section:** A 067-0003-0009

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Tullos

***Title:*** AN ACT TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY CITY OR TOWN IN THIS STATE HAVING A POPULATION OF

NOT LESS THAN 1,000 ACCORDING TO THE LATEST FEDERAL DECENNIAL CENSUS LOCATED IN A COUNTY THAT HAS NO CITY OR TOWN WITH A POPULATION OF MORE THAN 2,500, OR ANY CITY, TOWN OR VILLAGE THAT IS A COUNTY SEAT THAT HAS VOTED TO COME OUT FROM UNDER THE DRY LAW UNDER SECTION 67-1-14, TO HOLD AN ELECTION FOR THE PURPOSE OF DETERMINING WHETHER THE SALE AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE OF BEER AND LIGHT WINE SHALL BE PERMITTED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Tullos To: Ways and Means

HOUSE BILL NO. 654
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-3-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY CITY OR TOWN IN THIS STATE HAVING A POPULATION OF NOT LESS THAN 1,000 ACCORDING TO THE LATEST FEDERAL DECENNIAL CENSUS LOCATED IN A COUNTY THAT HAS NO CITY OR TOWN WITH A POPULATION OF MORE THAN 2,500, OR ANY CITY, TOWN OR VILLAGE THAT IS A COUNTY SEAT THAT HAS VOTED TO COME OUT FROM UNDER THE DRY LAW UNDER SECTION 67-1-14, TO HOLD AN ELECTION FOR THE PURPOSE OF DETERMINING WHETHER THE SALE AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE OF BEER AND LIGHT WINE SHALL BE PERMITTED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 67-3-9, Mississippi Code of 1972, is amended as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the

latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight and beer of an alcoholic content of

not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine and beer in such city.

All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 684

**Description:** Forest acreage tax; extend repealer on statute requiring counties to levy.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Ways and Means |
| 2 | 03/03 | (H) Title Suff Do Pass As Amended |
| 3 | 03/10 | (H) Amended |
| 4 | 03/10 | (H) Passed As Amended {Vote} |
| 5 | 03/12 | (H) Transmitted To Senate |
| 6 | 05/12 | (S) Referred To Forestry; Finance |
| 7 | 05/28 | (S) DR - TSDP: FO To FI |
| 8 | 06/09 | (S) Title Suff Do Pass |
| 9 | 06/17 | (S) Passed {Vote} |
| 10 | 06/18 | (S) Returned For Enrolling |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

**Code Section:** A 049-0019-0115

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Forestry, Finance

***Principal Author:*** Turner

***Title:*** AN ACT TO AMEND SECTION 49-19-115, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE STATUTE THAT REQUIRES COUNTIES TO LEVY A FOREST ACREAGE TAX; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 684

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Turner To: Ways and Means

HOUSE BILL NO. 684
(As Passed the House)

AN ACT TO AMEND SECTION 49-19-115, MISSISSIPPI CODE OF 1972, TO DELETE THE REPEALER ON THE STATUTE THAT REQUIRES COUNTIES TO LEVY A FOREST ACREAGE TAX; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-19-115, Mississippi Code of 1972, is amended as follows:

49-19-115. (1) The boards of supervisors of all counties are hereby directed to levy a special tax to be known as "the forest acreage tax." Such tax shall be Two Cents (2¢) per acre on all timbered and uncultivatable lands in the county in order to receive the financial and supervisory cooperation of the State Forestry Commission in carrying out organized forest fire control and other provisions of Sections 49-19-111 through 49-19-117.

(2) In addition to the tax levied under subsection (1) of this section, the boards of supervisors of all counties are hereby directed to levy an additional forest acreage tax on all timbered and uncultivatable lands in the county beginning October 1, 1989,

and continuing for three (3) succeeding years in the following amounts:

| | Increase | Total Acreage Tax |
|---|---|---|
| Fiscal year ending September 30, 1990 | 3¢ per acre | 5¢ per acre |
| Fiscal year ending September 30, 1991 | 2¢ per acre | 7¢ per acre |
| Fiscal year ending September 30, 1992 | 2¢ per acre | 9¢ per acre |

Upon completion of the third year, the total acreage tax shall remain at the Nine Cents (9¢) per acre per year.

(3) Uncultivatable lands shall not include bogs, unreclaimed strip mine areas, coastal beach sands, tidal and freshwater marshes, beaver ponds and flood or flowage easements.

(4) Those homeowners described in Section 27-33-67(2), who qualify for the exemptions allowed in Article 1, Chapter 33, Title 27, Mississippi Code of 1972, shall be exempt from any forest acreage tax levied pursuant to this section.

(5) The provisions of this section and the tax levy required herein shall not be applicable to any counties which were not levying such forest acreage tax on January 1, 1989.

* * *

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 685

**Description:** State offenders; extend repealer on authority to house in county jails when state space is unavailable.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Corrections |
| 2 | 02/26 | (H) Title Suff Do Pass |
| 3 | 03/04 | (H) Amended |
| 4 | 03/04 | (H) Passed As Amended {Vote} |
| 5 | 03/06 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Corrections |
| 7 | 05/27 | (S) Title Suff Do Pass |
| 8 | 06/10 | (S) Amended |
| 9 | 06/10 | (S) Passed As Amended {Vote} |
| 10 | 06/11 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Decline to Concur/Invite Conf |
| 12 | 06/22 | (H) Conferees Named Horan,Felsher,Rosebud |
| 13 | 06/22 | (S) Conferees Named Barnett,Sparks,Suber |
| 14 | 06/26 | (S) Conference Report Filed |
| 15 | 06/26 | (H) Conference Report Filed |
| 16 | 06/28 | (H) Conference Report Adopted {Vote} |
| 17 | 06/29 | (H) Motion to Reconsider Entered (Yates, Horan, Mickens) |
| 18 | 06/29 | (S) Conference Report Adopted {Vote} |
| 19 | 07/01 | (H) Motion to Reconsider Tabled |
| 20 | 07/02 | (S) Enrolled Bill Signed |
| 21 | 07/02 | (H) Enrolled Bill Signed |
| 22 | 07/08 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 685

Conference Reports:
| Conference Report

**Code Section:** RA 047-0005-0901, R 047-0005-0903, R 047-0005-0905, R 047-0005-0907, R 047-0005-0909, A 047-0005-0911, A 047-0005-0026, A 047-0005-0028, A 047-0005-0471

**----- Additional Information -----**

***House Committee:*** Corrections
***Senate Committee:*** Corrections

***Principal Author:*** Turner
***Additional Authors:*** Hudson, Karriem, Mickens, Anthony

***Title:*** AN ACT TO REENACT SECTIONS 47-5-901 THROUGH 47-5-909, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE AND ESTABLISH CONDITIONS FOR THE HOUSING OF STATE OFFENDERS IN COUNTY JAILS WHENEVER THE COMMISSIONER OF CORRECTIONS DETERMINES THAT PHYSICAL SPACE IS NOT AVAILABLE IN THE STATE CORRECTIONAL INSTITUTIONS; TO REENACT AND AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SENTENCING COURT, SHERIFF OR PRESIDENT OF THE BOARD OF SUPERVISORS OF A COUNTY WHERE AN INMATE IS CONVICTED TO REQUEST FROM THE DEPARTMENT OF CORRECTIONS THAT SUCH INMATE SERVE ALL OR PART OF HIS OR HER SENTENCE IN THE COUNTY JAIL; TO PROVIDE THAT WHENEVER A DENIAL IS MADE REGARDING THE REQUEST TO HAVE AN INMATE SERVE HIS OR HER SENTENCE IN THE COUNTY JAIL, THE COMMISSIONER OF CORRECTIONS MUST CERTIFY IN WRITING THAT THE INMATE DOES NOT QUALIFY TO SERVE HIS OR HER SENTENCE IN THE COUNTY JAIL; TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED CODE SECTIONS; TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF CORRECTIONS TO EMPLOY A DEPUTY COMMISSIONER FOR PROGRAMS, EDUCATION, RE-ENTRY, AND VOCATIONAL REHABILITATION SERVICES; TO PROVIDE THAT THE STATE PAROLE BOARD SHALL SELECT ITS ADMINISTRATIVE ASSISTANT FOR PAROLE MATTERS; TO AMEND SECTION 47-5-28, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM NUMBER OF TRANSITIONAL CENTER BEDS THAT MUST BE CONTRACTED FOR BY THE DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE COMMISSIONER TO DESIGNATE DEPUTY COMMISSIONERS AS PEACE OFFICERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-5-471, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO REIMBURSE COUNTIES AT A CERTAIN RATE FOR EXPENSES RELATED TO THE HOUSING AND CARE OF STATE OFFENDERS WHO PARTICIPATE IN THE STATE-COUNTY WORK PROGRAM; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 685

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Turner, Hudson, Karriem, Mickens, Anthony

To: Corrections

HOUSE BILL NO. 685
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 47-5-901 THROUGH 47-5-909, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE AND ESTABLISH CONDITIONS FOR THE HOUSING OF STATE OFFENDERS IN COUNTY JAILS WHENEVER THE COMMISSIONER OF CORRECTIONS DETERMINES THAT PHYSICAL SPACE IS NOT AVAILABLE IN THE STATE CORRECTIONAL INSTITUTIONS; TO REENACT AND AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SENTENCING COURT, SHERIFF OR PRESIDENT OF THE BOARD OF SUPERVISORS OF A COUNTY WHERE AN INMATE IS CONVICTED TO REQUEST FROM THE DEPARTMENT OF CORRECTIONS THAT SUCH INMATE SERVE ALL OR PART OF HIS OR HER SENTENCE IN THE COUNTY JAIL; TO PROVIDE THAT WHENEVER A DENIAL IS MADE REGARDING THE REQUEST TO HAVE AN INMATE SERVE HIS OR HER SENTENCE IN THE COUNTY JAIL, THE COMMISSIONER OF CORRECTIONS MUST CERTIFY IN WRITING THAT THE INMATE DOES NOT QUALIFY TO SERVE HIS OR HER SENTENCE IN THE COUNTY JAIL; TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED CODE SECTIONS; TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF CORRECTIONS TO EMPLOY A DEPUTY COMMISSIONER FOR PROGRAMS, EDUCATION, RE-ENTRY, AND VOCATIONAL REHABILITATION SERVICES; TO PROVIDE THAT THE STATE PAROLE BOARD SHALL SELECT ITS ADMINISTRATIVE ASSISTANT FOR PAROLE MATTERS; TO AMEND SECTION 47-5-28, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM NUMBER OF TRANSITIONAL CENTER BEDS THAT MUST BE CONTRACTED FOR BY THE DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE COMMISSIONER TO DESIGNATE DEPUTY COMMISSIONERS AS PEACE OFFICERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-5-471, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO REIMBURSE COUNTIES AT A CERTAIN RATE FOR EXPENSES RELATED TO THE HOUSING AND CARE OF STATE OFFENDERS WHO PARTICIPATE IN THE STATE-COUNTY WORK PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 47-5-901, Mississippi Code of 1972, is reenacted and amended as follows:

47-5-901. (1) (a) Any person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court and subject to the other conditions of this subsection, may serve all or any part of his sentence in the county jail of the county wherein such person was convicted if the Commissioner of Corrections determines that physical space is not available for confinement of such person in the state correctional institutions. Such determination shall be promptly made by the Department of Corrections upon receipt of notice of the conviction of such person. The commissioner shall certify in writing that space is not available to the sheriff or other officer having custody of the person. Any person serving his sentence in a county jail shall be classified in accordance with Section 47-5-905.

(b) Any person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court and subject to the other conditions of this subsection, may serve all or any part of his or her sentence in the county jail of the county wherein such person was convicted if the sheriff or president of the board of supervisors, requests such inmate or inmates. Upon such request, the department may allow such inmate or inmates to serve all or any part of such inmate's or inmates' sentence(s), as the case may be, in the

county of conviction of the inmate or inmates. Such determination shall be promptly made by the Department of Corrections upon receipt of notice of the conviction of such person. Whenever a request is denied for an inmate or inmates, then the commissioner shall certify in writing to the sentencing court, sheriff, or president of the board of supervisors of a county, as the case may be, that such inmate or inmates does not qualify to serve the sentence or sentences in the county jail. Any person serving his sentence in a county jail shall be classified in accordance with Section 47-5-905.

(2) If state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the Department of Corrections shall determine the cost for food and medical attention for such prisoners. The cost of feeding and housing offenders confined in such county jails shall be based on actual costs or contract price per prisoner. In order to maximize the potential use of county jail space, the Department of Corrections is encouraged to negotiate a reasonable per day cost per prisoner, which in no event may exceed Twenty Dollars ($20.00) per day per offender.

(3) (a) Upon vouchers submitted by the board of supervisors of any county housing persons due to lack of space at state institutions, the Department of Corrections shall pay to such county, out of any available funds, the actual cost of food, or contract price per prisoner, not to exceed Twenty Dollars ($20.00)

per day per offender, as determined under subsection (2) of this section for each day an offender is so confined beginning the day that the Department of Corrections receives a certified copy of the sentencing order and will terminate on the date on which the offender is released or otherwise removed from the custody of the county jail. The department, or its contracted medical provider, will pay to a provider of a medical service for any and all incarcerated persons from a correctional or detention facility an amount based upon negotiated fees as agreed to by the medical care service providers and the department and/or its contracted medical provider. In the absence of negotiated discounted fee schedule, medical care service providers will be paid by the department, or its contracted medical service provider, an amount no greater than the reimbursement rate applicable based on the Mississippi Medicaid reimbursement rate. The board of supervisors of any county shall not be liable for any cost associated with medical attention for prisoners who are pretrial detainees or for prisoners who have been convicted that exceeds the Mississippi Medicaid reimbursement rate or the reimbursement provided by the Department of Corrections, whichever is greater. This limitation applies to all medical care services, durable and nondurable goods, prescription drugs and medications. Such payment shall be placed in the county general fund and shall be expended only for food and medical attention for such persons.

(b) Upon vouchers submitted by the board of supervisors of any county housing offenders in county jails pending a probation or parole revocation hearing, the department shall pay the reimbursement costs provided in paragraph (a).

(c) If the probation or parole of an offender is revoked, the additional cost of housing the offender pending the revocation hearing shall be assessed as part of the offender's court cost and shall be remitted to the department.

(4) A person, on order of the sentencing court, may serve not more than twenty-four (24) months of his sentence in a county jail if the person is classified in accordance with Section 47-5-905 and the county jail is an approved county jail for housing state inmates under federal court order. The sheriff of the county shall have the right to petition the Commissioner of Corrections to remove the inmate from the county jail. The county shall be reimbursed in accordance with subsection (2) of this section.

(5) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(6) This section does not create in the Department of Corrections, or its employees or agents, any new liability, express or implied, nor shall it create in the Department of

Corrections any administrative authority or responsibility for the construction, funding, administration or operation of county or other local jails or other places of confinement which are not staffed and operated on a full-time basis by the Department of Corrections. The correctional system under the jurisdiction of the Department of Corrections shall include only those facilities fully staffed by the Department of Corrections and operated by it on a full-time basis.

(7) An offender returned to a county for post-conviction proceedings shall be subject to the provisions of Section 99-19-42 and the county shall not receive the per-day allotment for such offender after the time prescribed for returning the offender to the Department of Corrections as provided in Section 99-19-42.

**SECTION 2.** Section 47-5-903, Mississippi Code of 1972, is reenacted as follows:

47-5-903. (1) A person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court, may serve his sentence in the county jail of the county where convicted if all of the following conditions are complied with:

(a) The person must be classified in accordance with Section 47-5-905;

(b) The person must not be classified as in need of close supervision;

(c) The sheriff of the county where the person will serve his sentence must request in writing that the person be allowed to serve his sentence in that county jail;

(d) After the person is classified and returned to the county, the county shall assume the full and complete responsibility for the care and expenses of housing such person; and

(e) The county jail must be an approved county jail for housing state inmates under federal court order.

(2) This section does not apply to inmates housed in county jails due to lack of space at state correctional facilities. The department shall not reimburse the county for the expense of housing an inmate under this section.

(3) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(4) The state, the Department of Corrections, and its employees or agents, shall not be liable to any person or entity for an inmate held in a county jail under this section.

**SECTION 3.** Section 47-5-905, Mississippi Code of 1972, is reenacted as follows:

47-5-905. (1) All persons placed under the custody of the Department of Corrections shall be processed at a reception and

diagnostic center of the Department of Corrections and then be assigned to an appropriate correctional facility for a complete and thorough classification, not to exceed ninety (90) days, unless the department determines that a person can be properly processed and classified at the county jail in accordance with the department's classification plan.

(2) The Department of Corrections shall develop a plan for the processing and classification of inmates in county jails and shall implement the plan by January 1, 1993.

**SECTION 4.** Section 47-5-907, Mississippi Code of 1972, is reenacted as follows:

47-5-907. The sheriff of any county in this state shall have the right to petition the Commissioner of the Department of Corrections to remove a state inmate from the county jail in such county to the State Penitentiary. The commissioner shall remove such inmate from such county jail if the sheriff of such county sets forth just cause in his petition indicating why an inmate should be removed from such county jail to the State Penitentiary.

Just cause is established if such sheriff can sufficiently prove that such inmate has a dangerous behavior or sufficiently prove that there is no available or suitable medical facility where such inmate can be provided suitable medical services. The commissioner shall respond in writing to the petition no later than thirty (30) days after the receipt of such petition. If the petition to remove such inmate is denied by the commissioner, such

sheriff and his agents shall have from the date of denial absolute immunity from liability for any injury resulting from subsequent behavior or from medical consequences regarding such inmate, provided that such injury resulted from conditions which were set forth in such petition.

**SECTION 5.** Section 47-5-909, Mississippi Code of 1972, is reenacted as follows:

47-5-909. It is the policy of the Legislature that all inmates be removed from county jails as early as practicable. Sections 47-5-901 through 47-5-907 are temporary measures to help alleviate the immediate operating capacity limitations at correctional facilities and are not permanent measures to be included in the long-term operating capacity of the correctional system.

**SECTION 6.** Section 47-5-911, Mississippi Code of 1972, is amended as follows:

47-5-911. Sections 47-5-901 through 47-5-911 shall stand repealed on July 1, * * * 2024.

**SECTION 7.** Section 47-5-26, Mississippi Code of 1972, is amended as follows:

47-5-26. (1) The commissioner shall employ the following personnel:

(a) A Deputy Commissioner for Administration and Finance, who shall supervise and implement all fiscal policies and programs within the department, supervise and implement all hiring

and personnel matters within the department, supervise the department's personnel director, supervise and implement all purchasing within the department and supervise and implement all data processing activities within the department, and who shall serve as the Chief Executive Officer of the Division of Administration and Finance. He shall possess either:

(i) A master's degree from an accredited four-year college or university in public or business administration, accounting, economics or a directly related field, and four (4) years of experience in work related to the above-described duties, one (1) year of which must have included line or functional supervision; or

(ii) A bachelor's degree from an accredited four-year college or university in public or business administration, accounting, economics or a directly related field, and six (6) years of experience in work related to the above-described duties, one (1) year of which must have included line or functional supervision. Certification by the State of Mississippi as a certified public accountant may be substituted for one (1) year of the required experience.

(b) A Deputy Commissioner for Community Corrections, who shall initiate and administer programs, including, but not limited to, supervision of probationers, parolees and suspensioners, counseling, community-based treatment, interstate compact administration and enforcement, prevention programs,

halfway houses and group homes, technical violation centers, restitution centers, presentence investigations, and work and educational releases, and shall serve as the Chief Executive Officer of the Division of Community Services. The Deputy Commissioner for Community Corrections is charged with full and complete cooperation with the State Parole Board and shall make monthly reports to the Chairman of the Parole Board in the form and type required by the chairman, in his discretion, for the proper performance of the probation and parole functions. After a plea or verdict of guilty to a felony is entered against a person and before he is sentenced, the Deputy Commissioner for Community Corrections shall procure from any available source and shall file in the presentence records any information regarding any criminal history of the person such as fingerprints, dates of arrests, complaints, civil and criminal charges, investigative reports of arresting and prosecuting agencies, reports of the National Crime Information Center, the nature and character of each offense, noting all particular circumstances thereof and any similar data about the person. The Deputy Commissioner for Community Corrections shall keep an accurate and complete duplicate record of this file and shall furnish the duplicate to the department. This file shall be placed in and shall constitute a part of the inmate's master file. The Deputy Commissioner for Community Corrections shall furnish this file to the State Parole Board when the file is needed in the course of its official duties. He shall

possess either: (i) a master's degree in counseling, corrections psychology, guidance, social work, criminal justice or some related field and at least four (4) years' full-time experience in such field, including at least one (1) year of supervisory experience; or (ii) a bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years' full-time work in corrections, one (1) year of which shall have been at the supervisory level.

(c) A Deputy Commissioner for Institutions, who shall administer institutions, reception and diagnostic centers, prerelease centers and other facilities and programs provided therein, and shall serve as the Chief Executive Officer of the Division of Institutions. He shall possess either: (i) a master's degree in counseling, criminal justice, psychology, guidance, social work, business or some related field, and at least four (4) years' full-time experience in corrections, including at least one (1) year of correctional management experience; or (ii) a bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years' full-time work in corrections, four (4) years of which shall have been at the correctional management level.

(d) A Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation Services who shall initiate and administer programs, including but not limited to, education services, religious services, moral rehabilitation,

alcohol and drug rehabilitation, and court re-entry. The Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation may coordinate with any educational institution to develop a program for moral rehabilitation with an emphasis on promoting effective programs for release. The Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation shall focus on re-entry programs aimed at reducing recidivism and adequately preparing offenders for employment upon their release. The programs shall incorporate a moral component focused on providing offenders with an opportunity to make positive changes while incarcerated that will enable them to be productive members of society upon their release. Such deputy commissioner shall possess either:

(i) A master's degree in counseling, corrections, psychology, guidance, social work, criminal justice or some related field and at least four (4) years' full-time experience in such field, including at least one (1) year of supervisory experience; or

(ii) A bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years full-time work in corrections, one (1) year of which shall have been at the supervisory level.

(2) The commissioner shall employ an administrative assistant for parole matters * * * who shall be selected by the State Parole Board who shall be an employee of the department

assigned to the State Parole Board and who shall be located at the office of the State Parole Board, and who shall work under the guidance * * *, supervision and direction of the board.

(3) The administrative assistant for parole matters shall receive an annual salary to be established by the Legislature. The salaries of department employees not established by the Legislature shall receive an annual salary established by the State Personnel Board.

(4) The commissioner shall employ a superintendent for the Parchman facility, Central Mississippi Correctional Facility and South Mississippi Correctional Institution of the Department of Corrections. The Superintendent of the Mississippi State Penitentiary shall reside on the grounds of the Parchman facility. Each superintendent shall appoint an officer in charge when he is absent.

Each superintendent shall develop and implement a plan for the prevention and control of an inmate riot and shall file a report with the Chairman of the Senate Corrections Committee and the Chairman of the House Penitentiary Committee on the first day of each regular session of the Legislature regarding the status of the plan.

In order that the grievances and complaints of inmates, employees and visitors at each facility may be heard in a timely and orderly manner, each superintendent shall appoint or designate an employee at the facility to hear grievances and complaints and

to report grievances and complaints to the superintendent. Each superintendent shall institute procedures as are necessary to provide confidentiality to those who file grievances and complaints.

(5) For a one-year period beginning July 1, 2016, any person authorized for employment under this section shall not be subject to the rules, regulations and procedures of the State Personnel Board, except as otherwise provided under Section 25-9-127(5).

**SECTION 8.** Section 47-5-28, Mississippi Code of 1972, is amended as follows:

47-5-28. The commissioner shall have the following powers and duties:

(a) To implement and administer laws and policy relating to corrections and coordinate the efforts of the department with those of the federal government and other state departments and agencies, county governments, municipal governments, and private agencies concerned with providing offender services;

(b) To establish standards, in cooperation with other state agencies having responsibility as provided by law, provide technical assistance, and exercise the requisite supervision as it relates to correctional programs over all state-supported adult correctional facilities and community-based programs;

(c) To promulgate and publish such rules, regulations and policies of the department as are needed for the efficient

government and maintenance of all facilities and programs in accord insofar as possible with currently accepted standards of adult offender care and treatment;

(d) To provide the Parole Board with suitable and sufficient office space and support resources and staff necessary to conducting Parole Board business under the guidance of the Chairman of the Parole Board;

(e) To contract for transitional reentry center beds that will be used as noncorrections housing for offenders released from the department on parole, probation or post-release supervision but do not have appropriate housing available upon release. At least one hundred (100) but no more than eight hundred (800) transitional reentry center beds contracted by the department and chosen by the Parole Board shall be available for the Parole Board to place parolees without appropriate housing;

(f) To designate deputy commissioners while performing their officially assigned duties relating to the custody, control, transportation, recapture or arrest of any offender within the jurisdiction of the department or any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department, to the status of peace officers anywhere in the state in any matter relating to the custody, control, transportation or recapture of such offender, and shall have the

status of law enforcement officers and peace officers as contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

For the purpose of administration and enforcement of this chapter, deputy commissioners of the Mississippi Department of Corrections, who are certified by the Mississippi Board on Law Enforcement Officer Standards and Training, have the powers of a law enforcement officer of this state. Such powers shall include to make arrests and to serve and execute search warrants and other valid legal process anywhere within the State of Mississippi while performing their officially assigned duties relating to the custody, control, transportation, recapture or arrest of any offender within the jurisdiction of the department or any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department in any matter relating to the custody, control, transportation or recapture of such offender.

( * * *g) To make an annual report to the Governor and the Legislature reflecting the activities of the department and make recommendations for improvement of the services to be performed by the department;

( * * *h) To cooperate fully with periodic independent internal investigations of the department and to file the report with the Governor and the Legislature;

( * * *i) To make personnel actions for a period of one (1) year beginning July 1, 2016, that are exempt from State

Personnel Board rules, regulations and procedures in order to give the commissioner flexibility in making an orderly, effective and timely reorganization and realignment of the department; and

( * * *j) To perform such other duties necessary to effectively and efficiently carry out the purposes of the department as may be directed by the Governor.

**SECTION 9.** Section 47-5-471, Mississippi Code of 1972, is amended as follows:

47-5-471. Upon the request of any county for eligible inmates, the Department of Corrections shall make available for participation in the state-county work program in the requesting county any eligible inmates. Upon request and approval of such request by the Department of Corrections, the requesting county shall arrange for transportation of such inmates from the Department of Corrections to such county. Upon receiving any inmates, the county shall be responsible for all expenses related to housing and caring for such inmates but shall be reimbursed by the Department of Corrections at the rate prescribed under Section 47-5-901(2). * * * Regardless of any eligibility criteria established by the Department of Corrections, no inmate convicted of a sex crime, a crime of violence as defined by Section 97-3-2, or any other crime which specifically prohibits parole shall be eligible for participation in the program. The requesting county may, in its sole discretion, refuse any inmate deemed to present an undue risk to such county.

**SECTION 10.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 686

**Description:** Patient's Right to Informed Health Care Choices Act & prohibitions against deceptive advertising by providers; extend repealers on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Public Health and Human Services |
| 2 | 02/20 | (H) Title Suff Do Pass As Amended |
| 3 | 03/04 | (H) Amended |
| 4 | 03/04 | (H) Passed As Amended {Vote} |
| 5 | 03/06 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Public Health and Welfare |
| 7 | 06/02 | (S) Title Suff Do Pass As Amended |
| 8 | 06/10 | (S) Amended |
| 9 | 06/10 | (S) Passed As Amended {Vote} |
| 10 | 06/11 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/22 | (H) Enrolled Bill Signed |
| 13 | 06/23 | (S) Enrolled Bill Signed |
| 14 | 06/29 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote

**Code Section:** R 041-0121-0001, R 041-0121-0003, R 041-0121-0005, R 041-0121-0007, R 041-0121-0009, A 041-0121-0011, A 073-0006-0019, A 073-0009-0061, A 073-0015-0029, A 073-0019-0023, A 073-0021-0097, A 073-0026-0005, A 073-0027-0013, A 073-0039-0077

**----- Additional Information -----**

***House Committee:*** Public Health and Human Services
***Senate Committee:*** Public Health and Welfare

***Principal Author:*** Turner

***Title:*** AN ACT TO REENACT SECTIONS 41-121-1 THROUGH 41-121-9, MISSISSIPPI CODE OF 1972, WHICH ARE THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT RELATING TO ADVERTISEMENTS FOR HEALTH CARE SERVICES; TO AMEND SECTION 41-121-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-21-97, 73-26-5, 73-27-13 AND 73-39-77, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE PROVISIONS THAT MAKE VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT BY HEALTH CARE PRACTITIONERS SPECIFIC GROUNDS FOR DISCIPLINARY ACTION AGAINST LICENSEES; TO AMEND SECTION 73-19-23, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER AND TO REQUIRE THE BOARD OF OPTOMETRY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS ON LICENSURE APPLICANTS AND ON LICENSEES WHOSE LICENSURE IS SUBJECT TO INVESTIGATION BY THE BOARD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Representative Turner

To: Public Health and Human Services

HOUSE BILL NO. 686
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 41-121-1 THROUGH 41-121-9, MISSISSIPPI CODE OF 1972, WHICH ARE THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT RELATING TO ADVERTISEMENTS FOR HEALTH CARE SERVICES; TO AMEND SECTION 41-121-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-21-97, 73-26-5, 73-27-13 AND 73-39-77, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALERS ON THE PROVISIONS THAT MAKE VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT BY HEALTH CARE PRACTITIONERS SPECIFIC GROUNDS FOR DISCIPLINARY ACTION AGAINST LICENSEES; TO AMEND SECTION 73-19-23, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER AND TO REQUIRE THE BOARD OF OPTOMETRY TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS ON LICENSURE APPLICANTS AND ON LICENSEES WHOSE LICENSURE IS SUBJECT TO INVESTIGATION BY THE BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 41-121-1, Mississippi Code of 1972, is reenacted as follows:

41-121-1. This chapter shall be known and may be cited as "The Patient's Right to Informed Health Care Choices Act."

**SECTION 2.** Section 41-121-3, Mississippi Code of 1972, is reenacted as follows:

41-121-3. The Legislature finds and declares that:

(a) There are a multitude of professional degrees using the term "doctor," including Medical Doctor (M.D.); Doctor of Osteopathic Medicine (D.O.); Doctor of Dental Surgery (D.D.S.); Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.); Doctor of Chiropractic (D.C.); Doctor of Nursing Practice (D.N.P.); Doctor of Pharmacy (Pharm.D.); and other designations which may be used by health care practitioners.

(b) Choosing a health care provider is one of the most important decisions a patient makes, which should be supported by full disclosure from their health care provider. There are differences regarding the training and qualifications required to earn the professional degrees described in and subject to this chapter. These differences often concern the training and skills necessary to correctly detect, diagnose, prevent and treat serious health care conditions.

(c) There is a compelling state interest in patients being promptly and clearly informed of the actual training and qualifications of their health care practitioners who provide health care services. This chapter aims to provide public protection against potentially misleading and deceptive health care advertising that cause patients to have undue expectations regarding their medical treatments and outcomes.

**SECTION 3.** Section 41-121-5, Mississippi Code of 1972, is reenacted as follows:

41-121-5. For the purposes of this chapter:

(a) "Advertisement" means any communication or statement, whether printed, electronic or oral, that names the health care practitioner in relation to his or her practice, profession, or institution in which the individual is employed, volunteers or otherwise provides health care services. This includes business cards, letterhead, patient brochures, email, Internet, audio and video, and any other communication or statement used in the course of business or any other definition provided by regulations of the licensing board of proper jurisdiction.

(b) "Deceptive" or "misleading" includes, but is not limited to, any advertisement or affirmative communication or representation that misstates, falsely describes, holds out or falsely details the health care practitioner's profession, skills, training, expertise, education, board certification or licensure as determined by each respective licensing board.

(c) "Health care practitioner" means any person who engages in acts that are the subject of licensure or regulation. Categories of health care practitioner include:

(i) Practitioners of allopathic medicine, signified by the letters "M.D." or the words surgeon, medical doctor, or doctor of medicine by a person licensed to practice medicine and surgery.

(ii) Practitioners of osteopathic medicine, signified by the letters "D.O." or the words surgeon, osteopathic

surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic medicine.

(iii) Practitioners of nursing, signified by the letters "D.N.P.," "N.P.," "R.N.," "L.P.N.," "C.R.N.A.," or any other commonly used signifier to denote a doctorate of nursing practice, nurse practitioner, registered nurse, licensed practical nurse, or certified registered nurse anesthetist, respectively, as appropriate to signify the appropriate degree of licensure and degree earned from a regionally accredited institution of higher education in the appropriate field of learning.

(iv) Practitioners of podiatry, signified by the letters "D.P.M." or the words podiatrist, doctor of podiatry, podiatric surgeon, or doctor of podiatric medicine.

(v) Practitioners of chiropractic, signified by the letters "D.C." or the words chiropractor, doctor of chiropractic or chiropractic physician.

(vi) Practitioners of dentistry, signified by the letters "D.D.S." or "D.M.D.," as appropriate, or the words dentist, doctor of dental surgery, or doctor of dental medicine, as appropriate.

(vii) Practitioners of optometry, signified by the letters "O.D." or the words optometrist or doctor of optometry.

(viii) Practitioners of pharmacy, signified by the letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or doctor of pharmacy.

(ix) Physician assistants, signified by the letters "P.A." or the words physician assistant.

(x) Medical assistants, signified by the letters "M.A." or the words medical assistant.

(xi) Practitioners of audiology, signified by the letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or doctor of audiology.

(xii) Psychologists, therapists, speech-language pathologists, counselors, or any other health care practitioner not covered under this section, including, but not limited to, those signified by the letters "Ph.D.," "Ed.D.," "P.T.," "M.P.T." or "Psy.D.," or "Sc.D.," as appropriate to signify the appropriate degree of licensure and degree earned from a regionally accredited institution of higher education in the appropriate field of learning.

(d) "Licensee" means a health care practitioner who holds an active license with the licensing board governing his or her practice in this state.

**SECTION 4.** Section 41-121-7, Mississippi Code of 1972, is reenacted as follows:

41-121-7. (1) An advertisement for health care services that names a health care practitioner must identify the type of license held according to the definitions under this chapter. The advertisement shall be free from any and all deceptive or misleading information.

(2) A health care practitioner providing health care services in this state must conspicuously post in their office and affirmatively communicate the practitioner's specific licensure as defined under this chapter. This shall consist of the following: The health care practitioner shall display in his or her office a writing that clearly identifies the type of license held by the health care practitioner. The writing must be of sufficient size so as to be visible and apparent to all current and prospective patients.

(3) A health care practitioner who practices in more than one (1) office shall be required to comply with these requirements in each practice setting.

(4) Health care practitioners working in nonpatient care settings, and who do not have any direct patient care interactions, are not subject to the provisions of this chapter.

**SECTION 5.** Section 41-121-9, Mississippi Code of 1972, is reenacted as follows:

41-121-9. (1) Failure to comply with any provision under this section shall constitute a violation under this chapter.

(2) Knowingly aiding, assisting, procuring, employing or advising any unlicensed person or entity to practice or engage in acts contrary to the health care practitioner's degree of licensure shall constitute a violation under this chapter.

(3) Delegating or contracting for the performance of health care services by a health care practitioner when the licensee

delegating or contracting for performance knows, or has reason to know, the person does not have the required authority under the person's licensure, shall constitute a violation under this chapter.

(4) Violations of this chapter relating to practitioners of pharmacy shall be regulated in accordance with the restrictions on the use of business name for pharmacists in Section 73-21-109.

(5) Each day that this chapter is violated shall constitute a separate offense and shall be punishable as such.

(6) Any health care practitioner who violates any provision under this chapter is guilty of unprofessional conduct and subject to disciplinary action under the appropriate licensure provisions governing the respective health care practitioner.

(7) Any and all fees and other amounts billed to and paid by the patient may be effectively rescinded and refunded. This includes third parties contracted to collect fees on behalf of the health care practitioner, the health care practitioner's employer, or other entity contracting with the health care practitioner as determined by each respective licensing board.

(8) The imposition of professional sanctions, administrative fees or other disciplinary actions shall be publicly reported by the governmental administrative body of proper jurisdiction at its discretion.

(9) Notwithstanding the imposition of any penalty, a professional licensing board or other administrative agency with

jurisdiction may seek an injunction or other legal means as appropriate against a person or entity violating this chapter as determined by each respective licensing board.

(10) A licensing board may only enforce violations of this chapter with licensees that are subject to its jurisdiction.

**SECTION 6.** Section 41-121-11, Mississippi Code of 1972, is amended as follows:

41-121-11. Sections 41-121-1 through 41-121-9 shall stand repealed on July 1, * * * 2025.

**SECTION 7.** Section 73-6-19, Mississippi Code of 1972, is amended as follows:

73-6-19. (1) The board shall refuse to grant a certificate of licensure to any applicant or may cancel, revoke or suspend the certificate upon the finding of any of the following facts regarding the applicant or licensed practitioner:

(a) Failure to comply with the rules and regulations adopted by the State Board of Chiropractic Examiners;

(b) Violation of any of the provisions of this chapter or any of the rules and regulations of the State Board of Health pursuant to this chapter with regard to the operation and use of x-rays;

(c) Fraud or deceit in obtaining a license;

(d) Addiction to the use of alcohol, narcotic drugs, or anything which would seriously interfere with the competent performance of his professional duties;

(e) Conviction by a court of competent jurisdiction of a felony, other than manslaughter or any violation of the United States Internal Revenue Code;

(f) Unprofessional and unethical conduct;

(g) Contraction of a contagious disease which may be carried for a prolonged period;

(h) Failure to report to the Mississippi Department of Human Services or the county attorney any case wherein there are reasonable grounds to believe that a child or vulnerable adult has been abused by its parent or person responsible for such person's welfare;

(i) Advising a patient to use drugs, prescribing or providing drugs for a patient, or advising a patient not to use a drug prescribed by a licensed physician or dentist;

(j) Professional incompetency in the practice of chiropractic;

(k) Having disciplinary action taken by his peers within any professional chiropractic association or society;

(l) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured;

(m) Associating his practice with any chiropractor who does not hold a valid chiropractic license in Mississippi, or teach chiropractic manipulation to nonqualified persons under Section 73-6-13;

(n) Failure to make payment on chiropractic student loans;

(o) Failure to follow record keeping requirements prescribed in Section 73-6-18;

(p) If the practitioner is certified to provide animal chiropractic treatment, failure to follow guidelines approved by the Mississippi Board of Veterinary Medicine; or

(q) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board is authorized to administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state. Where

in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(3) In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

(4) Whenever the board finds any person unqualified to practice chiropractic because of any of the grounds set forth in subsection (1) of this section, after a hearing has been conducted as prescribed by this section, the board may enter an order imposing one or more of the following:

(a) Deny his application for a license or other authorization to practice chiropractic;

(b) Administer a public or private reprimand;

(c) Suspend, limit or restrict his license or other authorization to practice chiropractic for up to five (5) years;

(d) Revoke or cancel his license or other authorization to practice chiropractic;

(e) Require him to submit to care, counseling or treatment by physicians or chiropractors designated by the board, as a condition for initial, continued or renewal of licensure or other authorization to practice chiropractic;

(f) Require him to participate in a program of education prescribed by the board; or

(g) Require him to practice under the direction of a chiropractor designated by the board for a specified period of time.

(5) Any person whose application for a license or whose license to practice chiropractic has been cancelled, revoked or suspended by the board within thirty (30) days from the date of such final decision shall have the right of a de novo appeal to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi. If there is an appeal, such appeal may, in the discretion of and on motion to the circuit court, act as a supersedeas. The circuit court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the circuit judge, be tried in vacation. Either party shall have the right of appeal to the Supreme Court as provided by law from any decision of the circuit court.

(6) In a proceeding conducted under this section by the board for the revocation, suspension or cancellation of a license to practice chiropractic, after a hearing has been conducted as prescribed by this section, the board shall have the power and authority for the grounds stated in subsection (1) of this section, with the exception of paragraph (c) thereof, to assess and levy upon any person licensed to practice chiropractic in the state a monetary penalty in lieu of such revocation, suspension or cancellation, as follows:

(a) For the first violation, a monetary penalty of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) for each violation.

(b) For the second and each subsequent violation, a monetary penalty of not less than One Thousand Dollars ($1,000.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation.

The power and authority of the board to assess and levy such monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations. A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section to the circuit court under the same conditions as a right of appeal is provided for in this section for appeals from an adverse ruling, or order, or decision of the board. Any monetary penalty assessed and levied under this

section shall not take effect until after the time for appeal has expired, and an appeal of the assessment and levy of such a monetary penalty shall act as a supersedeas.

(7) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is amended as follows:

73-9-61. (1) Upon satisfactory proof, and in accordance with statutory provisions elsewhere set out for such hearings and protecting the rights of the accused as well as the public, the State Board of Dental Examiners may deny the issuance or renewal of a license or may revoke or suspend the license of any licensed dentist or dental hygienist practicing in the State of Mississippi, or take any other action in relation to the license as the board may deem proper under the circumstances, for any of the following reasons:

(a) Misrepresentation in obtaining a license, or attempting to obtain, obtaining, attempting to renew or renewing a license or professional credential by making any material misrepresentation, including the signing in his or her professional capacity any certificate that is known to be false at the time he or she makes or signs the certificate.

(b) Willful violation of any of the rules or regulations duly promulgated by the board, or of any of the rules or regulations duly promulgated by the appropriate dental licensure agency of another state or jurisdiction.

(c) Being impaired in the ability to practice dentistry or dental hygiene with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

(d) Administering, dispensing or prescribing any prescriptive medication or drug outside the course of legitimate professional dental practice.

(e) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(f) Practicing incompetently or negligently, regardless of whether there is actual harm to the patient.

(g) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of dentistry or dental hygiene, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(h) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a felony in any jurisdiction, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(i) Delegating professional responsibilities to a person who is not qualified by training, experience or licensure to perform them.

(j) The refusal of a licensing authority of another state or jurisdiction to issue or renew a license, permit or certificate to practice dentistry or dental hygiene in that jurisdiction or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by the licensing authority that prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof, notwithstanding the pendency of any appeal.

(k) Surrender of a license or authorization to practice dentistry or dental hygiene in another state or jurisdiction when the board has reasonable cause to believe that the surrender is made to avoid or in anticipation of a disciplinary action.

(l) Any unprofessional conduct to be determined by the board on a case-by-case basis, which shall include, but not be restricted to, the following:

(i) Committing any crime involving moral turpitude.

(ii) Practicing deceit or other fraud upon the public.

(iii) Practicing dentistry or dental hygiene under a false or assumed name.

(iv) Advertising that is false, deceptive or misleading.

(v) Announcing a specialized practice shall be considered advertising that tends to deceive or mislead the public unless the dentist announcing as a specialist conforms to other statutory provisions and the duly promulgated rules or regulations of the board pertaining to practice of dentistry in the State of Mississippi.

(m) Failure to provide and maintain reasonable sanitary facilities and conditions or failure to follow board rules regarding infection control.

(n) Committing any act which would constitute sexual misconduct upon a patient or upon ancillary staff. For purposes of this subsection, the term sexual misconduct means:

(i) Use of the licensee-patient relationship to engage or attempt to engage the patient in sexual activity; or

(ii) Conduct of a licensee that is intended to intimidate, coerce, influence or trick any person employed by or for the licensee in a dental practice or educational setting for the purpose of engaging in sexual activity or activity intended for the sexual gratification of the licensee.

(o) Violation of a lawful order of the board previously entered in a disciplinary or licensure hearing; failure to cooperate with any lawful request or investigation by the board; or failure to comply with a lawfully issued subpoena of the board.

(p) Willful, obstinate and continuing refusal to cooperate with the board in observing its rules and regulations in promptly paying all legal license or other fees required by law.

(q) Practicing dentistry or dental hygiene while the person's license is suspended.

(r) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) In lieu of revocation of a license as provided for above, the board may suspend the license of the offending dentist or dental hygienist, suspend the sedation permit of the offending dentist, or take any other action in relation to his or her license as the board may deem proper under the circumstances.

(3) When a license to practice dentistry or dental hygiene is revoked or suspended by the board, the board may, in its discretion, stay the revocation or suspension and simultaneously place the licensee on probation upon the condition that the licensee shall not violate the laws of the State of Mississippi pertaining to the practice of dentistry or dental hygiene and shall not violate the rules and regulations of the board and shall not violate any terms in relation to his or her license as may be set by the board.

(4) In a proceeding conducted under this section by the board for the denial, revocation or suspension of a license to

practice dentistry or dental hygiene, the board shall have the power and authority for the grounds stated for that denial, revocation or suspension, and in addition thereto or in lieu of that denial, revocation or suspension may assess and levy upon any person licensed to practice dentistry or dental hygiene in the State of Mississippi, a monetary penalty, as follows:

(a) For the first violation of any of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection (1) of this section, a monetary penalty of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

(b) For the second violation of any of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection (1) of this section, a monetary penalty of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).

(c) For the third and any subsequent violation of any of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection (1) of this section, a monetary penalty of not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00).

(d) For any violation of any of subparagraphs (a) through (q) of subsection (1) of this section, those reasonable costs that are expended by the board in the investigation and conduct of a proceeding for licensure revocation or suspension,

including, but not limited to, the cost of process service, court reporters, expert witnesses and investigators.

(5) The power and authority of the board to assess and levy monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(6) A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section under the same conditions as a right of appeal is provided elsewhere for appeals from an adverse ruling, order or decision of the board.

(7) Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal has expired. In the event of an appeal, the appeal shall act as a supersedeas.

(8) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee upon the expiration of the period allowed for appeal of those penalties under this section or may be paid sooner if the licensee elects. With the exception of subsection (4)(d) of this section, monetary penalties collected by the board under this section shall be deposited to the credit of the General Fund of the State Treasury. Any monies collected by the board under subsection (4)(d) of this

section shall be deposited into the special fund operating account of the board.

(9) When payment of a monetary penalty assessed and levied by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the board shall have power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, and if the licensee is a nonresident of the State of Mississippi, the proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(10) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(11) All grounds for disciplinary action, including imposition of fines and assessment of costs as enumerated above, shall also apply to any other license or permit issued by the board under this chapter or regulations duly adopted by the board.

**SECTION 9.** Section 73-15-29, Mississippi Code of 1972, is amended as follows:

73-15-29. (1) The board shall have power to revoke, suspend or refuse to renew any license issued by the board, or to revoke or suspend any privilege to practice, or to deny an application for a license, or to fine, place on probation and/or discipline a licensee, in any manner specified in this article, upon proof that such person:

(a) Has committed fraud or deceit in securing or attempting to secure such license;

(b) Has been convicted of a felony, or a crime involving moral turpitude or has had accepted by a court a plea of nolo contendere to a felony or a crime involving moral turpitude (a certified copy of the judgment of the court of competent jurisdiction of such conviction or pleas shall be prima facie evidence of such conviction);

(c) Has negligently or willfully acted in a manner inconsistent with the health or safety of the persons under the licensee's care;

(d) Has had a license or privilege to practice as a registered nurse or a licensed practical nurse suspended or

revoked in any jurisdiction, has voluntarily surrendered such license or privilege to practice in any jurisdiction, has been placed on probation as a registered nurse or licensed practical nurse in any jurisdiction or has been placed under a disciplinary order(s) in any manner as a registered nurse or licensed practical nurse in any jurisdiction, (a certified copy of the order of suspension, revocation, probation or disciplinary action shall be prima facie evidence of such action);

(e) Has negligently or willfully practiced nursing in a manner that fails to meet generally accepted standards of such nursing practice;

(f) Has negligently or willfully violated any order, rule or regulation of the board pertaining to nursing practice or licensure;

(g) Has falsified or in a repeatedly negligent manner made incorrect entries or failed to make essential entries on records;

(h) Is addicted to or dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, or has misappropriated any medication;

(i) Has a physical, mental or emotional condition that renders the licensee unable to perform nursing services or duties with reasonable skill and safety;

(j) Has engaged in any other conduct, whether of the same or of a different character from that specified in this article, that would constitute a crime as defined in Title 97 of the Mississippi Code of 1972, as now or hereafter amended, and that relates to such person's employment as a registered nurse or licensed practical nurse;

(k) Engages in conduct likely to deceive, defraud or harm the public;

(l) Engages in any unprofessional conduct as identified by the board in its rules;

(m) Has violated any provision of this article; or

(n) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) When the board finds any person unqualified because of any of the grounds set forth in subsection (1) of this section, it may enter an order imposing one or more of the following penalties:

(a) Denying application for a license or other authorization to practice nursing or practical nursing;

(b) Administering a reprimand;

(c) Suspending or restricting the license or other authorization to practice as a registered nurse or licensed practical nurse for up to two (2) years without review;

(d) Revoking the license or other authorization to practice nursing or practical nursing;

(e) Requiring the disciplinee to submit to care, counseling or treatment by persons and/or agencies approved or designated by the board as a condition for initial, continued or renewed licensure or other authorization to practice nursing or practical nursing;

(f) Requiring the disciplinee to participate in a program of education prescribed by the board as a condition for initial, continued or renewed licensure or other authorization to practice;

(g) Requiring the disciplinee to practice under the supervision of a registered nurse for a specified period of time; or

(h) Imposing a fine not to exceed Five Hundred Dollars ($500.00).

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license or privilege to practice of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license or privilege to practice for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a

license or privilege to practice suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(4) If the public health, safety or welfare imperatively requires emergency action and the board incorporates a finding to that effect in an order, the board may order summary suspension of a license pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined by the board.

(5) The board may establish by rule an alternative to discipline program for licensees who have an impairment as a result of substance abuse or a mental health condition, which program shall include at least the following components:

(a) Participation in the program is voluntary with the licensee, and the licensee must enter the program before the board holds a disciplinary action hearing regarding the licensee;

(b) The full cost of participation in the program, including the cost of any care, counseling, treatment and/or education received by the licensee, shall be borne by the licensee;

(c) All of the procedures and records regarding the licensee's participation in the program shall be confidential,

shall not be disclosed and shall be exempt from the provisions of the Mississippi Public Records Act of 1983; and

(d) A licensee may not participate in the program more often than one (1) time during any period of five (5) years or such longer period as set by the board.

**SECTION 10.** Section 73-19-23, Mississippi Code of 1972, is amended as follows:

73-19-23. (1) (a) The board shall refuse to grant a certificate of licensure to any applicant and may cancel, revoke or suspend the operation of any certificate by it granted for any or all of the following reasons: unprofessional and unethical conduct or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits, or stimulants, narcotics, or any other substance that impairs the intellect and judgment to such an extent as to incapacitate one for the performance of the duties of an optometrist. The certificate of licensure of any person can be revoked for violating any section of this chapter.

(b) The board shall conduct a criminal history records check on licensure applicants and on licensees whose licenses are subject to investigation.

(i) The applicant or licensee shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant or

licensee shall submit a full set of the applicant's fingerprints in a form or manner prescribed by the board, which shall be forwarded to the Bureau of Investigation Identification Division for this purpose.

(ii) Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or licensee or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

(iii) The board shall provide to the department the fingerprints of the applicant or licensee, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(iv) The board shall charge and collect from the applicant or licensee, in addition to all other applicable fees

and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

(2) The board shall further be authorized to take disciplinary action against a licensee for any unlawful acts, which shall include violations of regulations promulgated by the board, as well as the following acts:

(a) Fraud or misrepresentation in applying for or procuring an optometric license or in connection with applying for or procuring periodic renewal of an optometric license.

(b) Cheating on or attempting to subvert the optometric licensing examination(s).

(c) The conviction of a felony in this state or any other jurisdiction, or the entry of a guilty or nolo contendere plea to a felony charge.

(d) The conviction of a felony as defined by federal law, or the entry of a guilty or nolo contendere plea to a felony charge.

(e) Conduct likely to deceive, defraud or harm the public.

(f) Making a false or misleading statement regarding his or her skill or the efficacy or value of the medicine, device, treatment or remedy prescribed by him or her or used at his or her direction in the treatment of any disease or other condition.

(g) Willfully or negligently violating the confidentiality between doctor and patient, except as required by law.

(h) Negligence or gross incompetence in the practice of optometry as determined by the board.

(i) Being found to be a person with mental illness or with an intellectual disability by any court of competent jurisdiction.

(j) The use of any false, fraudulent, deceptive or misleading statement in any document connected with the practice of optometry.

(k) Aiding or abetting the practice of optometry by an unlicensed, incompetent or impaired person.

(l) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's practice of optometry.

(m) Being addicted or habituated to a drug or intoxicant.

(n) Violating any state or federal law or regulation relating to a drug legally classified as a controlled substance.

(o) Obtaining any fee by fraud, deceit or misrepresentation.

(p) Disciplinary action of another state or jurisdiction against a licensee or other authorization to practice optometry based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as

defined in this chapter, a certified copy of the record of the action taken by the other state or jurisdiction being conclusive evidence thereof.

(q) Failure to report to the board the relocation of his or her office in or out of the jurisdiction, or to furnish floor plans as required by regulation.

(r) Violation of any provision(s) of the Optometry Practice Act or the rules and regulations of the board or of an action, stipulation or agreement of the board.

(s) To advertise in a manner that tends to deceive, mislead or defraud the public.

(t) The designation of any person licensed under this chapter, other than by the terms "optometrist," "Doctor of Optometry" or "O.D.," which through June 30, * * * 2025, shall include any violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners.

(u) To knowingly submit or cause to be submitted any misleading, deceptive or fraudulent representation on a claim form, bill or statement.

(v) To practice or attempt to practice optometry while his or her license is suspended.

(3) Any person who is a holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure, against whom is preferred any charges, shall be

furnished by the board with a copy of the complaint and shall have a hearing in Jackson, Mississippi, before the board, at which hearing he may be represented by counsel. At the hearing, witnesses may be examined for and against the accused respecting those charges, and the hearing orders or appeals will be conducted according to the procedure now provided in Section 73-25-27. The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be removed when the holder of the certificate has been adjudged by the board to be cured and capable of practicing optometry.

(4) In addition to the reasons specified in subsections (1) and (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 11.** Section 73-21-97, Mississippi Code of 1972, is amended as follows:

73-21-97. (1) The board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the following grounds:

(a) Unprofessional conduct as defined by the rules and regulations of the board;

(b) Incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, confidence and safety to the public;

(c) Being found guilty by a court of competent jurisdiction of one or more of the following:

(i) A felony;

(ii) Any act involving moral turpitude or gross immorality; or

(iii) Violation of pharmacy or drug laws of this state or rules or regulations pertaining thereto, or of statutes, rules or regulations of any other state or the federal government;

(d) Fraud or intentional misrepresentation by a licensee or permit holder in securing the issuance or renewal of a license or permit;

(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license;

(f) Violation of any of the provisions of this chapter or rules or regulations adopted pursuant to this chapter;

(g) Failure to comply with lawful orders of the board;

(h) Negligently or willfully acting in a manner inconsistent with the health or safety of the public;

(i) Addiction to or dependence on alcohol or controlled substances or the unauthorized use or possession of controlled substances;

(j) Misappropriation of any prescription drug;

(k) Being found guilty by the licensing agency in another state of violating the statutes, rules or regulations of that jurisdiction;

(l) The unlawful or unauthorized possession of a controlled substance;

(m) Willful failure to submit drug monitoring information or willful submission of incorrect dispensing information as required by the Prescription Monitoring Program under Section 73-21-127;

(n) Failure to obtain the license, registration or permit required by this chapter; or

(o) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) In lieu of suspension, revocation or restriction of a license as provided for above, the board may warn or reprimand the offending pharmacist.

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license, registration or permit of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license, registration or permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 12.** Section 73-26-5, Mississippi Code of 1972, is amended as follows:

73-26-5. (1) The board shall promulgate and publish reasonable rules and regulations necessary to enable it to discharge its functions and to enforce the provisions of law regulating the practice of physician assistants. Those rules shall include, but are not limited to: qualifications for licensure for physician assistants; scope of practice of physician assistants; supervision of physician assistants; identification of physician assistants; grounds for disciplinary actions and

discipline of physician assistants, which through June 30, * * * 2025, shall specifically include discipline for violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners; and setting and charging reasonable fees for licensure and license renewals for physician assistants. However, nothing in this chapter or in rules adopted by the board shall authorize physician assistants to administer or monitor general inhaled anesthesia, epidural anesthesia, spinal anesthesia or monitored anesthesia as utilized in surgical procedures. In addition, the board shall not adopt any rule or regulation or impose any requirement regarding the licensing of physician assistants that conflicts with the prohibitions in Section 73-49-3. The board shall promulgate rules for licensure and license renewals in accordance with Section 33-1-39.

(2) If the board appoints a task force or committee to address physician assistant regulation, at least one (1) member of the task force shall be a nurse practitioner who is a member of the Mississippi Board of Nursing or a nurse practitioner appointee selected by the board from a list of three (3) recommendations submitted by the Mississippi Nurses Association, and at least one (1) member shall be a physician assistant selected by the board from a list of three (3) recommendations submitted by the Mississippi Academy of Physician Assistants.

**SECTION 13.** Section 73-27-13, Mississippi Code of 1972, is amended as follows:

73-27-13. (1) The State Board of Medical Licensure may refuse to issue, suspend, revoke or otherwise restrict any license provided for in this chapter, with the advice of the advisory committee, based upon the following grounds:

(a) Habitual personal use of narcotic drugs, or any other drug having addiction-forming or addiction-sustaining liability.

(b) Habitual use of intoxicating liquors, or any beverage, to an extent which affects professional competency.

(c) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice.

(d) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law.

(e) Performing any medical diagnosis or treatment outside the scope of podiatry as defined in Section 73-27-1.

(f) Conviction of a felony or misdemeanor involving moral turpitude.

(g) Obtaining or attempting to obtain a license by fraud or deception.

(h) Unprofessional conduct, which includes, but is not limited to:

(i) Practicing medicine under a false or assumed name or impersonating another practitioner, living or dead.

(ii) Knowingly performing any act which in any way assists an unlicensed person to practice podiatry.

(iii) Making or willfully causing to be made any flamboyant claims concerning the licensee's professional excellence.

(iv) Being guilty of any dishonorable or unethical conduct likely to deceive, defraud or harm the public.

(v) Obtaining a fee as personal compensation or gain from a person on fraudulent representation a disease or injury condition generally considered incurable by competent medical authority in the light of current scientific knowledge and practice can be cured or offering, undertaking, attempting or agreeing to cure or treat the same by a secret method, which he refuses to divulge to the board upon request.

(vi) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs such certificate.

(vii) Failing to identify a podiatrist's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

(i) The refusal of a licensing authority of another state to issue or renew a license, permit or certificate to practice podiatry in that state or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts practice in that state.

(j) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) Upon the nonissuance, suspension or revocation of a license to practice podiatry, the board may, in its discretion and with the advice of the advisory committee, reissue a license after a lapse of six (6) months. No advertising shall be permitted except regular professional cards.

(3) In its investigation of whether the license of a podiatrist should be suspended, revoked or otherwise restricted, the board may inspect patient records in accordance with the provisions of Section 73-25-28.

(4) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order

for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 14.** Section 73-39-77, Mississippi Code of 1972, is amended as follows:

73-39-77. (1) Upon a written complaint sworn to by any person, the board, in its sole discretion, may, after a hearing, revoke, suspend or limit for a certain time a license, impose an administrative fine not to exceed One Thousand Dollars ($1,000.00) for each separate offense, or otherwise discipline any licensed veterinarian for any of the following reasons:

(a) The employment of fraud, misrepresentation or deception in obtaining a license.

(b) The inability to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability, including deterioration of mental capacity, loss of motor skills or abuse of drugs or alcohol of sufficient degree to diminish the person's ability to deliver competent patient care.

(c) The use of advertising or solicitation that is false or misleading.

(d) Conviction of the following in any federal court or in the courts of this state or any other jurisdiction, regardless of whether the sentence is deferred:

(i) Any felony;

(ii) Any crime involving cruelty, abuse or neglect of animals, including bestiality;

(iii) Any crime of moral turpitude;

(iv) Any crime involving unlawful sexual contact, child abuse, the use or threatened use of a weapon, the infliction of injury, indecent exposure, perjury, false reporting, criminal impersonation, forgery and any other crime involving a lack of truthfulness, veracity or honesty, intimidation of a victim or witness, larceny, or alcohol or drugs.

For the purposes of this paragraph, a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

(e) Incompetence, gross negligence or other malpractice in the practice of veterinary medicine.

(f) Aiding the unlawful practice of veterinary medicine.

(g) Fraud or dishonesty in the application or reporting of any test for disease in animals.

(h) Failure to report, as required by law, or making false or misleading report of, any contagious or infectious disease.

(i) Failure to keep accurate patient records.

(j) Dishonesty or gross negligence in the performance of food safety inspections or in the issuance of any health or inspection certificates.

(k) Failure to keep veterinary premises and equipment, including practice vehicles, in a clean and sanitary condition.

(l) Failure to permit the board or its agents to enter and inspect veterinary premises and equipment, including practice vehicles, as set by rules promulgated by the board.

(m) Revocation, suspension or limitation of a license to practice veterinary medicine by another state, territory or district of the United States.

(n) Loss or suspension of accreditation by any federal or state agency.

(o) Unprofessional conduct as defined in regulations adopted by the board.

(p) The dispensing, distribution, prescription or administration of any veterinary prescription drug, or the extralabel use of any drug in the absence of a veterinarian-client-patient relationship.

(q) Violations of state or federal drug laws.

(r) Violations of any order of the board.

(s) Violations of this chapter or of the rules promulgated under this chapter.

(t) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) A certified copy of any judgment of conviction or finding of guilt by a court of competent jurisdiction or by a governmental agency, or agency authorized to issue licenses or permits, including the United States Department of Agriculture, Animal and Plant Health Inspection Service, the Mississippi Board of Animal Health and the Mississippi Board of Health, of a veterinarian or veterinary technician of any matters listed in this section shall be admissible in evidence in any hearing held by the board to discipline such veterinarian or technician and shall constitute prima facie evidence of the commission of any such act.

**SECTION 15.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 688

**Description:** MS Pharmacy Practice Act; extend repealer on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Public Health and Human Services |
| 2 | 02/20 | (H) Title Suff Do Pass As Amended |
| 3 | 03/04 | (H) Amended |
| 4 | 03/04 | (H) Passed As Amended {Vote} |
| 5 | 03/06 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Public Health and Welfare |
| 7 | 06/02 | (S) Title Suff Do Pass |
| 8 | 06/10 | (S) Amended |
| 9 | 06/10 | (S) Passed As Amended {Vote} |
| 10 | 06/11 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/23 | (H) Enrolled Bill Signed |
| 13 | 06/24 | (S) Enrolled Bill Signed |
| 14 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 688

**Code Section:** R 073-0021-0071, R 073-0021-0073, R 073-0021-0075, R 073-0021-0077, R 073-0021-0079, RA 073-0021-0081, R 073-0021-0083, R 073-0021-0085, R 073-0021-0087, R 073-0021-0089, R 073-0021-0091, R 073-0021-0093, R 073-0021-0095, RA 073-0021-0097, RA 073-0021-0099, R 073-0021-0101, R 073-0021-0103, R 073-0021-0105, R 073-0021-0106, R 073-0021-0107, R 073-0021-0108, R 073-0021-0109, RA 073-0021-0111, R 073-0021-0113, R 073-0021-0115, R 073-0021-0117, R 073-0021-0119, R 073-0021-0121, RA 073-0021-0123, R 073-0021-0125, R 073-0021-0126, R 073-0021-0127, R 073-0021-0129, A 073-0021-0069

**----- Additional Information -----**

***House Committee:*** Public Health and Human Services
***Senate Committee:*** Public Health and Welfare

***Principal Author:*** Turner

***Title:*** AN ACT TO REENACT SECTIONS 73-21-71 THROUGH 73-21-129, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI PHARMACY PRACTICE ACT; TO AMEND REENACTED SECTIONS 73-21-81, 73-21-99, 73-21-111 AND 73-21-123, MISSISSIPPI CODE OF 1972, TO INFORM THE CODE PUBLISHER TO MAKE MINOR NONSUBSTANTIVE GRAMMATICAL CORRECTIONS; TO AMEND REENACTED SECTION 73-21-97, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE STATE BOARD OF PHARMACY TO TAKE DISCIPLINARY ACTION AGAINST A PERSON LICENSED UNDER THE MISSISSIPPI PHARMACY PRACTICE ACT FOR VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT; TO AMEND SECTION 73-21-69, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI PHARMACY PRACTICE ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Turner

To: Public Health and Human Services

HOUSE BILL NO. 688
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-21-71 THROUGH 73-21-129, MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI PHARMACY PRACTICE ACT; TO AMEND REENACTED SECTIONS 73-21-81, 73-21-99, 73-21-111 AND 73-21-123, MISSISSIPPI CODE OF 1972, TO INFORM THE CODE PUBLISHER TO MAKE MINOR NONSUBSTANTIVE GRAMMATICAL CORRECTIONS; TO AMEND REENACTED SECTION 73-21-97, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT AUTHORIZES THE STATE BOARD OF PHARMACY TO TAKE DISCIPLINARY ACTION AGAINST A PERSON LICENSED UNDER THE MISSISSIPPI PHARMACY PRACTICE ACT FOR VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES ACT; TO AMEND SECTION 73-21-69, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI PHARMACY PRACTICE ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-21-71, Mississippi Code of 1972, is reenacted as follows:

73-21-71. This chapter shall be known as the "Mississippi Pharmacy Practice Act."

**SECTION 2.** Section 73-21-73, Mississippi Code of 1972, is reenacted as follows:

73-21-73. As used in this chapter, unless the context requires otherwise:

(a) "Administer" means the direct application of a prescription drug pursuant to a lawful order of a practitioner to the body of a patient by injection, inhalation, ingestion or any other means.

(b) "Biological product" means the same as that term is defined in 42 USC Section 262.

(c) "Board of Pharmacy," "Pharmacy Board," "MSBP" or "board" means the State Board of Pharmacy.

(d) "Compounding" means (i) the production, preparation, propagation, conversion or processing of a sterile or nonsterile drug or device either directly or indirectly by extraction from substances of natural origin or independently by means of chemical or biological synthesis or from bulk chemicals or the preparation, mixing, measuring, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the practitioner/patient/pharmacist relationship in the course of professional practice, or (ii) for the purpose of, as an incident to, research, teaching or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine regularly observed prescribing patterns.

(e) "Continuing education unit" means ten (10) clock hours of study or other such activity as may be approved by the

board, including, but not limited to, all programs which have been approved by the American Council on Pharmaceutical Education.

(f) "Deliver" or "delivery" means the actual, constructive or attempted transfer in any manner of a drug or device from one person to another, whether or not for a consideration, including, but not limited to, delivery by mailing or shipping.

(g) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

(h) "Dispense" or "dispensing" means the interpretation of a valid prescription of a practitioner by a pharmacist and the subsequent preparation of the drug or device for administration to or use by a patient or other individual entitled to receive the drug.

(i) "Distribute" means the delivery of a drug or device other than by administering or dispensing to persons other than the ultimate consumer.

(j) "Drug" means:

(i) Articles recognized as drugs in the official United States Pharmacopeia, official National Formulary, official Homeopathic Pharmacopeia, other drug compendium or any supplement to any of them;

(ii) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(iii) Articles other than food intended to affect the structure or any function of the body of man or other animals; and

(iv) Articles intended for use as a component of any articles specified in subparagraph (i), (ii) or (iii) of this paragraph.

(k) "Drugroom" means a business, which does not require the services of a pharmacist, where prescription drugs or prescription devices are bought, sold, maintained or provided to consumers.

(l) "Extern" means a student in the professional program of a school of pharmacy accredited by the American Council on Pharmaceutical Education who is making normal progress toward completion of a professional degree in pharmacy.

(m) "Foreign pharmacy graduate" means a person whose undergraduate pharmacy degree was conferred by a recognized school of pharmacy outside of the United States, the District of Columbia and Puerto Rico. Recognized schools of pharmacy are those colleges and universities listed in the World Health Organization's World Directory of Schools of Pharmacy, or otherwise approved by the Foreign Pharmacy Graduate Examination

Committee (FPGEC) certification program as established by the National Association of Boards of Pharmacy.

(n) "Generic equivalent drug product" means a drug product which (i) contains the identical active chemical ingredient of the same strength, quantity and dosage form; (ii) is of the same generic drug name as determined by the United States Adoptive Names and accepted by the United States Food and Drug Administration; and (iii) conforms to such rules and regulations as may be adopted by the board for the protection of the public to assure that such drug product is therapeutically equivalent.

(o) "Interchangeable biological product" or "I.B." means a biological product that the federal Food and Drug Administration:

(i) Has licensed and determined as meeting the standards for interchangeability under 42 USC Section 262(k)(4); or

(ii) Has determined is therapeutically equivalent as set forth in the latest edition of or supplement to the federal Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations.

(p) "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor

protocol to such protocol, to communicate information of all kinds by wire or radio.

(q) "Interested directly" means being employed by, having full or partial ownership of, or control of, any facility permitted or licensed by the Mississippi State Board of Pharmacy.

(r) "Interested indirectly" means having a spouse who is employed by any facility permitted or licensed by the Mississippi State Board of Pharmacy.

(s) "Intern" means a person who has graduated from a school of pharmacy but has not yet become licensed as a pharmacist.

(t) "Manufacturer" means a person, business or other entity engaged in the production, preparation, propagation, conversion or processing of a prescription drug or device, if such actions are associated with promotion and marketing of such drugs or devices.

(u) "Manufacturer's distributor" means any person or business who is not an employee of a manufacturer, but who distributes sample drugs or devices, as defined under subsection (i) of this section, under contract or business arrangement for a manufacturer to practitioners.

(v) "Manufacturing" of prescription products means the production, preparation, propagation, conversion or processing of a drug or device, either directly or indirectly, by extraction from substances from natural origin or independently by means of

chemical or biological synthesis, or from bulk chemicals and includes any packaging or repackaging of the substance(s) or labeling or relabeling of its container, if such actions are associated with promotion and marketing of such drug or devices.

(w) "Misappropriation of a prescription drug" means to illegally or unlawfully convert a drug, as defined in subsection (i) of this section, to one's own use or to the use of another.

(x) "Nonprescription drugs" means nonnarcotic medicines or drugs that may be sold without a prescription and are prepackaged and labeled for use by the consumer in accordance with the requirements of the statutes and regulations of this state and the federal government.

(y) "Person" means an individual, corporation, partnership, association or any other legal entity.

(z) "Pharmacist" means an individual health care provider licensed by this state to engage in the practice of pharmacy. This recognizes a pharmacist as a learned professional who is authorized to provide patient services.

(aa) "Pharmacy" means any location for which a pharmacy permit is required and in which prescription drugs are maintained, compounded and dispensed for patients by a pharmacist. This definition includes any location where pharmacy-related services are provided by a pharmacist.

(bb) "Prepackaging" means the act of placing small precounted quantities of drug products in containers suitable for

dispensing or administering in anticipation of prescriptions or orders.

(cc) "Unlawful or unauthorized possession" means physical holding or control by a pharmacist of a controlled substance outside the usual and lawful course of employment.

(dd) "Practice of pharmacy" means a health care service that includes, but is not limited to, the compounding, dispensing, and labeling of drugs or devices; interpreting and evaluating prescriptions; administering and distributing drugs and devices; the compounding, dispensing and labeling of drugs and devices; maintaining prescription drug records; advising and consulting concerning therapeutic values, content, hazards and uses of drugs and devices; initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved by the board; selecting drugs; participating in drug utilization reviews; storing prescription drugs and devices; ordering lab work in accordance with written guidelines or protocols as defined by paragraph (nn) of this section; providing pharmacotherapeutic consultations; supervising supportive personnel and such other acts, services, operations or transactions necessary or incidental to the conduct of the foregoing.

(ee) "Practitioner" means a physician, dentist, veterinarian, or other health care provider authorized by law to diagnose and prescribe drugs.

(ff) "Prescription" means a written, verbal or electronically transmitted order issued by a practitioner for a drug or device to be dispensed for a patient by a pharmacist. "Prescription" includes a standing order issued by a practitioner to an individual pharmacy that authorizes the pharmacy to dispense an opioid antagonist to certain persons without the person to whom the opioid antagonist is dispensed needing to have an individual prescription, as authorized by Section 41-29-319(3).

(gg) "Prescription drug" or "legend drug" means a drug which is required under federal law to be labeled with either of the following statements prior to being dispensed or delivered:

(i) "Caution: Federal law prohibits dispensing without prescription," or

(ii) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(hh) "Product selection" means the dispensing of a generic equivalent drug product or an interchangeable biological product in lieu of the drug product ordered by the prescriber.

(ii) "Provider" or "primary health care provider" includes a pharmacist who provides health care services within his or her scope of practice pursuant to state law and regulation.

(jj) "Registrant" means a pharmacy or other entity which is registered with the Mississippi State Board of Pharmacy to buy, sell or maintain controlled substances.

(kk) "Repackager" means a person registered by the Federal Food and Drug Administration as a repackager who removes a prescription drug product from its marketed container and places it into another, usually of smaller size, to be distributed to persons other than the consumer.

(ll) "Reverse distributor" means a business operator that is responsible for the receipt and appropriate return or disposal of unwanted, unneeded or outdated stocks of controlled or uncontrolled drugs from a pharmacy.

(mm) "Supportive personnel" or "pharmacist technician" means those individuals utilized in pharmacies whose responsibilities are to provide nonjudgmental technical services concerned with the preparation and distribution of drugs under the direct supervision and responsibility of a pharmacist.

(nn) "Written guideline or protocol" means an agreement in which any practitioner authorized to prescribe drugs delegates to a pharmacist authority to conduct specific prescribing functions in an institutional setting, or with individual patients, provided that a specific protocol agreement is signed on each patient and is filed as required by law or by rule or regulation of the board.

(oo) "Wholesaler" means a person who buys or otherwise acquires prescription drugs or prescription devices for resale or distribution, or for repackaging for resale or distribution, to persons other than consumers.

(pp) "Pharmacy benefit manager" has the same meaning as defined in Section 73-21-153.

**SECTION 3.** Section 73-21-75, Mississippi Code of 1972, is reenacted as follows:

73-21-75. (1) The State Board of Pharmacy created by former Section 73-21-9 is continued and reconstituted as follows: The board shall consist of seven (7) appointed members. At least one (1) appointment shall be made from each congressional district. Each appointed member of the board shall be appointed by the Governor, with the advice and consent of the Senate, from a list of five (5) names submitted by the Mississippi Pharmacists Association, with input from the Magnolia Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA), Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies. Of the members appointed, one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding an institutional permit, and one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding a retail permit. Any person appointed to

the board shall be limited to two (2) full terms of office during any fifteen-year period, including any member serving on May 14, 1992.

(2) The members of the board appointed and serving prior to July 1, 1983, whose terms have not expired by July 1, 1983, shall serve the balance of their terms as members of the reconstituted board, and they shall be considered to be from the same congressional districts from which they were originally appointed if they still reside therein, even if the district boundaries have changed subsequent to their original appointments. The Governor shall appoint the remaining members of the reconstituted board in the manner prescribed in subsection (1) of this section on July 1, 1983. The initial members of the reconstituted board shall serve terms of office as follows:

(a) The term of the member from the First Congressional District shall expire on July 1, 1984; and from and after July 1, 1996, this appointment shall be designated as Post 1.

(b) The term of the member from the Second Congressional District shall expire on July 1, 1988; and from and after July 1, 1996, this appointment shall be designated as Post 2.

(c) The term of the member from the Third Congressional District shall expire on July 1, 1986; and from and after July 1, 1996, this appointment shall be designated as Post 3.

(d) The term of the member from the Fourth Congressional District shall expire on July 1, 1985; and from and after July 1, 1996, this appointment shall be designated as Post 4.

(e) The term of the member from the Fifth Congressional District shall expire on July 1, 1987; and from and after July 1, 1996, this appointment shall be designated as Post 5.

(f) The term of one (1) of the members from the state at large shall expire on July 1, 1985; and from and after July 1, 1996, this appointment shall be designated as Post 6.

(g) The term of the other member from the state at large shall expire on July 1, 1988; and from and after July 1, 1996, this appointment shall be designated as Post 7.

The appointments of members from congressional districts as provided under this section shall be made from the congressional districts as they existed on July 1, 2001.

(3) At the expiration of a term, members of the board shall be appointed in the manner prescribed in subsection (1) of this section for terms of five (5) years from the expiration date of the previous terms. Any vacancy on the board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor in the manner prescribed in subsection (1) of this section for the balance of the unexpired term. The Mississippi Pharmacists Association, with input from the Magnolia

Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA), Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies, shall submit a list of nominees no more than thirty (30) days after a vacancy occurs, and the Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs. If an election is required to narrow the number of potential candidates for nominations to the board, the Mississippi Pharmacists Association shall provide a ballot to each pharmacist holding a valid Mississippi license.

(4) To be qualified to be a member of the board, a person shall:

(a) Be an adult citizen of Mississippi for a period of at least five (5) years preceding his appointment to the board;

(b) Be a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi; and

(c) Have actively engaged in the practice of pharmacy in Mississippi for a period of at least five (5) years.

(5) The Governor may remove any or all members of the board on proof of unprofessional conduct, continued absence from the state, or for failure to perform the duties of his office. Any member who shall not attend two (2) consecutive meetings of the board for any reason other than illness of such member shall be subject to removal by the Governor. The president of the board

shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings. No removal shall be made without first giving the accused an opportunity to be heard in refutation of the charges made against him, and he shall be entitled to receive a copy of the charges at the time of filing.

**SECTION 4.** Section 73-21-77, Mississippi Code of 1972, is reenacted as follows:

73-21-77. (1) Each person appointed as a member of the board shall qualify by taking the oath prescribed by the Constitution for the state officers, and shall file certificate thereof in the Office of the Secretary of State within fifteen (15) days after his appointment.

(2) There shall be a president of the board and such other officers as deemed necessary by the board elected by and from its membership.

(3) The board shall meet at least once each quarter to transact business, and may meet at such additional times as it may deem necessary. Such additional meetings may be called by the president of the board or a majority of the members of the board.

(4) The place for each meeting shall be determined prior to giving notice of such meeting and shall not be changed after such notice is given without adequate subsequent notice.

(5) A majority of the members of the board shall constitute a quorum for the conduct of the meeting and all actions of the board shall be by a majority.

(6) Each member of the board shall receive a per diem as provided in Section 25-3-69, not to exceed thirty (30) days in any one (1) period of twelve (12) months, for each day actually engaged in meetings of the board, together with necessary traveling and other expenses as provided in Section 25-3-41.

**SECTION 5.** Section 73-21-79, Mississippi Code of 1972, is reenacted as follows:

73-21-79. (1) The board shall employ an executive director of the board. The executive director shall be a citizen of Mississippi and a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi, who has had five (5) years' experience as a pharmacist.

(2) The executive director shall receive a salary to be set by the board, subject to the approval of the State Personnel Board, and shall be entitled to necessary expenses incurred in the performance of his official duties. He shall devote full time to the duties of his office and shall not be engaged in any other business that will interfere with the duties of his office.

(3) The duties and responsibilities of the executive director shall be defined by rules and regulations prescribed by the board.

(4) The board may, in its discretion, employ persons in addition to the executive director in such other positions or capacities as it deems necessary to the proper conduct of board business. Any pharmacist-investigator employed by the board may have other part-time employment, provided that he shall not accept any employment that would cause a conflict of interest in his pharmacist-investigator duties. The board may employ legal counsel to assist in the conduct of its business.

**SECTION 6.** Section 73-21-81, Mississippi Code of 1972, is reenacted and amended as follows:

73-21-81. The responsibility for the enforcement of the provisions of this chapter shall be vested in the board. The board shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of this chapter. The board may make, adopt, amend and repeal such rules and regulations as may be deemed necessary by the board, from time to time, for the proper administration and enforcement of this chapter, in accordance with the provisions of the Mississippi Administrative Procedures Law (Section 25-43-1 et seq.).

**SECTION 7.** Section 73-21-83, Mississippi Code of 1972, is reenacted as follows:

73-21-83. (1) The board shall be responsible for the control and regulation of the practice of pharmacy, to include the regulation of pharmacy externs or interns and pharmacist technicians, in this state, the regulation of the wholesaler

distribution of drugs and devices as defined in Section 73-21-73, the distribution of sample drugs or devices by manufacturer's distributors as defined in Section 73-21-73 by persons other than the original manufacturer or distributor in this state and the regulation of pharmacy benefit managers as defined in Section 73-21-153.

(2) A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. However, the provisions of this chapter shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice.

(3) The initial licensure fee shall be set by the board but shall not exceed Two Hundred Dollars ($200.00), except the initial licensure fee for pharmacy benefit managers shall be set by the board but shall not exceed Five Hundred Dollars ($500.00).

(4) All students actively enrolled in a professional school of pharmacy accredited by the American Council on Pharmaceutical Education who are making satisfactory progress toward graduation and who act as an extern or intern under the direct supervision of a pharmacist in a location permitted by the Board of Pharmacy must obtain a pharmacy student registration prior to engaging in such

activity. The student registration fee shall be set by the board but shall not exceed One Hundred Dollars ($100.00).

(5) All persons licensed to practice pharmacy prior to July 1, 1991, by the State Board of Pharmacy under Section 73-21-89 shall continue to be licensed under the provisions of Section 73-21-91.

**SECTION 8.** Section 73-21-85, Mississippi Code of 1972, is reenacted as follows:

73-21-85. (1) To obtain a license to engage in the practice of pharmacy by examination, or by score transfer, the applicant shall:

(a) Have submitted a written application on the form prescribed by the board;

(b) Be of good moral character;

(c) Have graduated from a school or college of pharmacy accredited by the American Council of Pharmaceutical Education and have been granted a pharmacy degree therefrom;

(d) Have successfully passed an examination approved by the board;

(e) Have paid all fees specified by the board for examination, not to exceed the cost to the board of administering the examination;

(f) Have paid all fees specified by the board for licensure; and

(g) Have submitted evidence of externship and/or internship as specified by the board.

(2) To obtain a license to engage in the practice of pharmacy, a foreign pharmacy graduate applicant shall obtain the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee's certification, which shall include, but not be limited to, successfully passing the Foreign Pharmacy Graduate Equivalency Examination and attaining a total score of at least five hundred fifty (550) on the Test of English as a Foreign Language (TOEFL), and shall:

(a) Have submitted a written application on the form prescribed by the board;

(b) Be of good moral character;

(c) Have graduated and been granted a pharmacy degree from a college or school of pharmacy recognized and approved by the National Association of Boards of Pharmacy's Foreign Pharmacy Graduate Examination Committee;

(d) Have paid all fees specified by the board for examination, not to exceed the cost to the board of administering the examination;

(e) Have successfully passed an examination approved by the board;

(f) Have completed the number of internship hours as set forth by regulations of the board; and

(g) Have paid all fees specified by the board for licensure.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(4) To insure that all applicants are of good moral character, the board shall conduct a criminal history records check on all applicants for a license. In order to determine the applicant's suitability for licensing, the applicant shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forwarded to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination. The board shall be authorized to collect from the applicant the amount of the fee that the Department of Public Safety charges the board for the fingerprinting, whether manual or electronic, and the state and national criminal history records checks.

(5) To insure that all applicants are of good moral character, the board, upon request of the Dean of the University of Mississippi School of Pharmacy, shall be authorized to conduct a criminal history records check on all applicants for enrollment into the School of Pharmacy. In order to determine the applicant's suitability for enrollment and licensing, the

applicant shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forwarded to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination and the board shall forward the results to the Dean of the School of Pharmacy. The board shall be authorized to collect from the applicant the amount of the fee that the Department of Public Safety charges the board for the fingerprinting, whether manual or electronic, and the state and national criminal history records checks.

**SECTION 9.** Section 73-21-87, Mississippi Code of 1972, is reenacted as follows:

73-21-87. (1) To obtain a license to engage in the practice of pharmacy by reciprocity or license transfer, the applicant shall:

(a) Have submitted a written application on the form prescribed by the board;

(b) Be of good moral character;

(c) Have possessed at the time of initial licensure as a pharmacist such other qualifications necessary to have been eligible for licensure at that time in that state;

(d) Have presented to the board proof that any license or licenses granted to the applicant by any other states have not

been suspended, revoked, cancelled or otherwise restricted for any reason except nonrenewal or the failure to obtain required continuing education credits; and

(e) Have paid all fees specified by the board for licensure.

(2) No applicant shall be eligible for licensure by reciprocity or license transfer unless the state in which the applicant was initially licensed also grants a reciprocal license or transfer license to pharmacists licensed by this state under like circumstances and conditions.

(3) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

**SECTION 10.** Section 73-21-89, Mississippi Code of 1972, is reenacted as follows:

73-21-89. (1) The board shall issue a license to practice pharmacy to any person, if such person be otherwise qualified, upon presentation to the board of:

(a) Satisfactory proof that the applicant has been graduated from the University of Mississippi School of Pharmacy;

(b) Written application for licensure; and

(c) Payment of all fees specified by the board for licensure.

(2) The board shall not issue any new licenses pursuant to this section after June 30, 1987.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

**SECTION 11.** Section 73-21-91, Mississippi Code of 1972, is reenacted as follows:

73-21-91. (1) Every pharmacist shall renew his license annually. To renew his license, a pharmacist shall:

(a) Submit an application for renewal on the form prescribed by the board;

(b) Submit satisfactory evidence of the completion in the last licensure period of such continuing education units as shall be required by the board, but in no case less than one (1) continuing education unit in the last licensure period;

(c) (i) Pay any renewal fees as required by the board, not to exceed One Hundred Dollars ($100.00) for each annual licensing period, provided that the board may add a surcharge of not more than Five Dollars ($5.00) to a license renewal fee to fund a program to aid impaired pharmacists or pharmacy students. Any pharmacist license renewal received postmarked after December 31 of the renewal period will be returned and a Fifty Dollar ($50.00) late renewal fee will be assessed before renewal.

(ii) The license fee for a pharmacy benefit manager shall be set by the board, but shall not exceed Five Hundred Dollars ($500.00). Any license renewal received postmarked after December 31 of the renewal period will be returned and a Five Hundred Dollar ($500.00) late renewal fee will be assessed before renewal.

(2) Any pharmacist who has defaulted in license renewal may be reinstated within two (2) years upon payment of renewal fees in arrears and presentation of evidence of the required continuing education. Any pharmacist defaulting in license renewal for a period in excess of two (2) years shall be required to successfully complete the examination given by the board pursuant to Section 73-21-85 before being eligible for reinstatement as a pharmacist in Mississippi, or shall be required to appear before the board to be examined for his competence and knowledge of the practice of pharmacy, and may be required to submit evidence of continuing education. If the person is found fit by the board to practice pharmacy in this state, the board may reinstate his license to practice pharmacy upon payment of all renewal fees in arrears.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

**SECTION 12.** Section 73-21-93, Mississippi Code of 1972, is reenacted as follows:

73-21-93. (1) The examination for licensure required under Section 73-21-85 shall be given by the board at least once during each year. The board shall determine the content and subject matter of each examination, the place, time and date of the administration of the examination and those persons who have successfully passed the examination.

(2) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ and cooperate with any organization or consultant in the preparation and grading of an appropriate examination, but shall retain the sole discretion and responsibility of determining which applicants have successfully passed such an examination.

(3) The board shall have authority to use the laboratories of the school of pharmacy and other facilities of the University of Mississippi for the purpose of examining applicants.

**SECTION 13.** Section 73-21-95, Mississippi Code of 1972, is reenacted as follows:

73-21-95. The assistant pharmacist license is hereby abolished after April 30, 1984. The board shall issue a license to practice pharmacy to those persons presently holding an assistant pharmacist license upon their meeting the requirements of Section 73-21-91.

**SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is reenacted and amended as follows:

73-21-97. (1) The board may refuse to issue or renew, or may suspend, reprimand, revoke or restrict the license, registration or permit of any person upon one or more of the following grounds:

(a) Unprofessional conduct as defined by the rules and regulations of the board;

(b) Incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, confidence and safety to the public;

(c) Being found guilty by a court of competent jurisdiction of one or more of the following:

(i) A felony;

(ii) Any act involving moral turpitude or gross immorality; or

(iii) Violation of pharmacy or drug laws of this state or rules or regulations pertaining thereto, or of statutes, rules or regulations of any other state or the federal government;

(d) Fraud or intentional misrepresentation by a licensee or permit holder in securing the issuance or renewal of a license or permit;

(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license;

(f) Violation of any of the provisions of this chapter or rules or regulations adopted pursuant to this chapter;

(g) Failure to comply with lawful orders of the board;

(h) Negligently or willfully acting in a manner inconsistent with the health or safety of the public;

(i) Addiction to or dependence on alcohol or controlled substances or the unauthorized use or possession of controlled substances;

(j) Misappropriation of any prescription drug;

(k) Being found guilty by the licensing agency in another state of violating the statutes, rules or regulations of that jurisdiction;

(l) The unlawful or unauthorized possession of a controlled substance;

(m) Willful failure to submit drug monitoring information or willful submission of incorrect dispensing information as required by the Prescription Monitoring Program under Section 73-21-127;

(n) Failure to obtain the license, registration or permit required by this chapter; or

(o) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, * * * 2025.

(2) In lieu of suspension, revocation or restriction of a license as provided for above, the board may warn or reprimand the offending pharmacist.

(3) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license, registration or permit of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license, registration or permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license, registration or permit suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 15.** Section 73-21-99, Mississippi Code of 1972, is reenacted and amended as follows:

73-21-99. (1) Disciplinary action by the board against a licensee, registrant or permit holder, or license, registration or permit shall require the following:

(a) A sworn affidavit filed with the board charging a licensee or permit holder with an act which is grounds for disciplinary action as provided in Section 73-21-97; and

(b) An order of the Investigations Review Committee of the board which shall cause the executive director of the board to

fix a time and place for a hearing by the board. The executive director shall cause a written notice specifying the offense or offenses for which the licensee or permit holder is charged and notice of the time and place of the hearing to be served upon the licensee or permit holder at least thirty (30) days prior to the hearing date. Such notice may be served by mailing a copy thereof by certified mail, postage prepaid, to the last-known residence or business address of the licensee or permit holder.

(2) The board shall designate two (2) of its members to serve on a rotating, no longer than three-consecutive-month basis with the executive director and legal counsel for the board as an Investigations Review Committee, and the board's investigators shall provide status reports solely to the Investigations Review Committee during monthly meetings of the board. Such reports shall be made on all on-going investigations, and shall apply to any routine inspections which may give rise to the filing of a complaint. In the event any complaint on a licensee comes before the board for possible disciplinary action, the members of the board serving on the Investigations Review Committee which reviewed the investigation of such complaint shall recuse themselves and not participate in the disciplinary proceeding.

(3) The board acting by and through its Investigation Review Committee may, if deemed necessary, issue a letter of reprimand to any licensee, registrant or permit holder in lieu of formal action by the board.

(4) The board, acting by and through its executive director, is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at such hearing. Process issued by the board shall extend to all parts of the state and shall be served by any person designated by the board for such service.

(5) The accused shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the board.

(6) At the hearing, the board shall administer oaths as may be necessary for the proper conduct of the hearing. All hearings shall be conducted by the board, which shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient evidence to sustain it.

(7) Where, in any proceeding before the board, any witness fails or refuses to attend upon a subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(8) The board shall, within thirty (30) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last-known residence or business address of such licensee or permit holder by way of United States first-class, certified mail, postage prepaid.

**SECTION 16.** Section 73-21-101, Mississippi Code of 1972, is reenacted as follows:

73-21-101. (1) The right to appeal from the action of the board in denying, revoking, suspending or refusing to renew any license, registration or permit issued by the board, or fining or otherwise disciplining any person is hereby granted. Such appeal shall be to the chancery court of the county of the residence of the licensee or permit holder on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be taken within thirty (30) days after notice of the action of the board in denying, revoking, suspending or refusing to renew the license or permit, or fining or otherwise disciplining the person. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the board, and the filing of a bond in the sum of Two Hundred Dollars ($200.00), conditioned that if the action of the board in denying, revoking, suspending or refusing to renew the license or permit, or fining or otherwise disciplining the person, be affirmed by the chancery

court, the licensee or permit holder will pay the costs of the appeal and the action in the chancery court.

(2) If there is an appeal, such appeal shall act as a supersedeas. The chancery court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. The scope of review of the chancery court shall be limited to a review of the record made before the board to determine if the action of the board is unlawful for the reason that it was (a) not supported by substantial evidence, (b) arbitrary or capricious, (c) beyond the power of the board to make, or (d) in violation of some statutory or constitutional right of the appellant. The decision of the chancery court may be appealed to the Supreme Court in the manner provided by law.

(3) Actions taken by the board in suspending a license, registration or permit when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a license, registration or permit that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section.

**SECTION 17.** Section 73-21-103, Mississippi Code of 1972, is reenacted as follows:

73-21-103. (1) Upon the finding of the existence of grounds for action against any permitted facility or discipline of any person holding a license, registration or permit, seeking a license, registration or permit, seeking to renew a license or permit under the provisions of this chapter, or practicing or doing business without a license, registration or permit, the board may impose one or more of the following penalties:

(a) Suspension of the offender's license, registration and/or permit for a term to be determined by the board;

(b) Revocation of the offender's license, registration and/or permit;

(c) Restriction of the offender's license, registration and/or permit to prohibit the offender from performing certain acts or from engaging in the practice of pharmacy in a particular manner for a term to be determined by the board;

(d) Imposition of a monetary penalty as follows:

(i) For the first violation, a monetary penalty of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00) for each violation;

(ii) For the second violation and subsequent violations, a monetary penalty of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) for each violation.

Money collected by the board under paragraph (d)(i), (ii) and (iv) of this section shall be deposited to the credit of the State General Fund of the State Treasury;

(iii) The board may assess a monetary penalty for those reasonable costs that are expended by the board in the investigation and conduct of a proceeding for licensure revocation, suspension or restriction, including, but not limited to, the cost of process service, court reporters, expert witnesses and investigators.

Money collected by the board under paragraph (d)(iii) of this section, shall be deposited to the credit of the Special Fund of the Pharmacy Board;

(iv) The board may impose a monetary penalty for those facilities/businesses registered with the Pharmacy Board as wholesalers/manufacturers of not less than Three Hundred Dollars ($300.00) per violation and not more than Fifty Thousand Dollars ($50,000.00) per violation;

(v) The board may impose a monetary penalty for any dispenser, pharmacist or practitioner licensed to dispense controlled substance and specified noncontrolled substance drugs, who knowingly fails to submit drug monitoring information or knowingly submits incorrect dispensing information of not more than Ten Thousand Dollars ($10,000.00) per violation. Any penalty collected under this paragraph (v) shall be deposited into the

special fund of the State Pharmacy Board to support the operations of the Prescription Monitoring Program (PMP);

(vi) The board may impose a monetary penalty for any person who obtains prescription information and who knowingly discloses this information for misuse or purposely alters the reporting information, or uses the PMP in any manner other than for which it was intended, of not more than Fifty Thousand Dollars ($50,000.00) per violation. Any penalty collected under this paragraph (vi) shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the Prescription Monitoring Program;

(vii) The board may impose a monetary penalty of not more than One Thousand Dollars ($1,000.00) per day upon any person or business that practices or does business without the license, registration or permit required by this chapter.

(e) Refusal to renew offender's license, registration and/or permit;

(f) Placement of the offender on probation and supervision by the board for a period to be determined by the board;

(g) Public or private reprimand.

Whenever the board imposes any penalty under this subsection, the board may require rehabilitation and/or additional education as the board may deem proper under the circumstances, in addition to the penalty imposed.

(2) Any person whose license, registration and/or permit has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right to petition the board at reasonable intervals for reinstatement of such license, registration and/or permit. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications. The procedure for the reinstatement of a license, registration or permit that is suspended for being out of compliance with an order for support, as defined in Section 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

(3) Nothing herein shall be construed as barring criminal prosecutions for violation of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(4) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee, registrant or permit holder upon the expiration of the period allowed for appeal of such penalties under Section 73-21-101, or may be paid sooner if the licensee, registrant or permit holder elects.

(5) When payment of a monetary penalty assessed and levied by the board against a licensee, registrant or permit holder in

accordance with this section is not paid by the licensee, registrant or permit holder when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, registrant or permit holder, or if the licensee, registrant or permit holder is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When such proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court and the matter shall thereupon be heard in due course by the court, which shall review the record and make its determination thereon. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation.

(6) The board shall develop and implement a uniform penalty policy which shall set the minimum and maximum penalty for any given violation of board regulations and laws governing the practice of pharmacy. The board shall adhere to its uniform penalty policy except in such cases where the board specifically finds, by majority vote, that a penalty in excess of, or less than, the uniform penalty is appropriate. Such vote shall be reflected in the minutes of the board and shall not be imposed unless such appears as having been adopted by the board.

**SECTION 18.** Section 73-21-105, Mississippi Code of 1972, is reenacted as follows:

73-21-105. (1) Every facility/business that engages in the wholesale distribution of prescription drugs, to include without limitation, manufacturing in this state, distribution into this state, or selling or offering to sell in this state, or distribution from or within this state, and every reverse distributor located in or outside of this state that conducts business with pharmacies in this state, shall register biennially or annually, to be determined by the board, with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

(2) Every business/facility/pharmacy located in this state that engages in or proposes to engage in the dispensing and delivery of prescription drugs to consumers shall register with the Mississippi State Board of Pharmacy by applying for a permit on a form supplied by the board and accompanied by a fee as set by subsection (4) of this section. The Pharmacy Board shall by regulation determine the classification of permit(s) that shall be required.

(3) The board shall establish by rule or regulation the criteria which each business shall meet to qualify for a permit in

each classification. The board shall issue a permit to any applicant who meets the criteria as established. The board may issue various types of permits with varying restrictions to businesses where the board deems it necessary by reason of the type of activities conducted by the business requesting a permit.

(4) The board shall specify by rule or regulation the registration procedures to be followed, including, but not limited to, specification of forms for use in applying for such permits and times, places and fees for filing such applications. However, the biennial fee for an original or renewal permit shall not exceed One Thousand Dollars ($1,000.00).

(5) Applications for permits shall include the following information about the proposed business:

(a) Ownership;

(b) Location;

(c) Identity of the responsible person or pharmacist licensed to practice in the state, who shall be the pharmacist in charge of the pharmacy, where one is required by this chapter, and such further information as the board may deem necessary.

(6) Permits issued by the board pursuant to this section shall not be transferable or assignable.

(7) The board shall specify by rule or regulation minimum standards for the responsibility in the conduct of any business/facility and/or pharmacy that has been issued a permit. The board is specifically authorized to require that the portion

of the facility located in this state to which a pharmacy permit applies be operated only under the direct supervision of no less than one (1) pharmacist licensed to practice in this state, and to provide such other special requirements as deemed necessary. Nothing in this subsection shall be construed to prevent any person from owning a pharmacy.

(8) All businesses permitted by the board shall report to the board the occurrence of any of the following changes:

(a) Permanent closing;

(b) Change of ownership, management, location or pharmacist in charge;

(c) Any and all other matters and occurrences as the board may require by rule or regulation.

(9) Disasters, accidents and emergencies which may affect the strength, purity or labeling of drugs, medications, devices or other materials used in the diagnosis or the treatment of injury, illness and disease shall be immediately reported to the board.

(10) No business that is required to obtain a permit shall be operated until a permit has been issued for such business by the board. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by

both such fine and imprisonment. However, the provisions of this chapter shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice.

**SECTION 19.** Section 73-21-106, Mississippi Code of 1972, is reenacted as follows:

73-21-106. (1) Any pharmacy located outside this state that ships, mails or delivers, in any manner, controlled substances or prescription or legend drugs or devices into this state shall be considered a nonresident pharmacy and shall be permitted by the board. The board shall establish by rule or regulation the criteria that each nonresident pharmacy must meet to qualify for a nonresident permit. After a permit has been issued, it may not be amended, transferred or reassigned. A pharmacist-in-charge of a nonresident pharmacy may not be the pharmacist-in-charge at any other location that has been issued a permit by the board.

(2) Each nonresident pharmacy shall:

(a) Comply with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board under this section. The nonresident pharmacy shall maintain at all times a valid unexpired license, permit or registration to conduct the pharmacy in compliance with

the laws of the state in which it is a resident. As a prerequisite to being permitted by the board, the nonresident pharmacy shall submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located;

(b) Maintain its records of controlled substances and prescription or legend drugs or devices dispensed to patients in this state so that the records are readily retrievable from the records of other drugs dispensed; and

(c) Certify that it understands Mississippi pharmacy laws and regulations and agrees to comply with those laws and regulations and any other state or federal laws that apply to the practice of pharmacy. The pharmacist-in-charge must hold a Mississippi pharmacist license, be licensed to practice pharmacy in the state of residence of the nonresident pharmacy, and be current and in good standing with the licensing boards of both states.

(3) Any pharmacy subject to this section shall provide during its regular hours of operation, but not less than six (6) days per week and for a minimum of forty (40) hours per week, a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state.

(4) The permit fee for nonresident pharmacies shall be the same as the fee as set by subsection (4) of Section 73-21-105.

(5) The permit requirements of this section shall apply to any nonresident pharmacy that dispenses, distributes, ships, mails or delivers controlled substances or prescription or legend drugs and devices into this state directly to a consumer.

(6) The board may deny, revoke or suspend a nonresident pharmacy permit only for:

(a) Failure to comply with any requirement of this section or Section 41-29-125;

(b) Conduct that causes serious bodily or serious psychological injury to a resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the pharmacy is located and the regulatory or licensing agency fails to initiate an investigation within forty-five (45) days of the referral; or

(c) Violation of the Uniform Controlled Substances Law.

(7) It is unlawful for any nonresident pharmacy that is not permitted under this section to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy that is not permitted with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions.

(8) When requested to do so by the board or the Mississippi Bureau of Narcotics, each nonresident pharmacy shall supply any inspection reports, controlled substances dispensing records, warning notices, notice of deficiency reports or any other related reports from the state in which it is located concerning the operation of a nonresident pharmacy for review of compliance with state and federal drug laws.

**SECTION 20.** Section 73-21-107, Mississippi Code of 1972, is reenacted as follows:

73-21-107. (1) The board or its representative may enter and inspect, during reasonable hours, a facility which has obtained or applied for a permit under Section 73-21-105 relative to the following:

(a) Drug storage and security;

(b) Equipment;

(c) Sanitary conditions; or

(d) Records, reports, or other documents required to be kept or made under this chapter or the Uniform Controlled Substances Law (Section 41-29-101 et seq.) or rules and regulations adopted under such laws.

(2) Prior to an entry and inspection, the board representative shall state his purpose and present appropriate credentials to the owner, pharmacist or agent in charge of a facility.

(3) The board representative may:

(a) Inspect and copy records, reports, and other documents required to be kept or made under this chapter, the Uniform Controlled Substances Law, or rules and regulations adopted under such laws;

(b) Inspect, within reasonable limits and in a reasonable manner, a facility's storage, equipment, security, records, or prescription drugs or devices; or

(c) Inventory any stock of any prescription drugs or devices in the facility.

(4) Unless the owner, pharmacist, or agent in charge of the facility consents in writing, an inspection authorized by this section may not extend to:

(a) Financial data;

(b) Sales data other than shipment data; or

(c) Pricing data.

**SECTION 21.** Section 73-21-108, Mississippi Code of 1972, is reenacted as follows:

73-21-108. (1) **Definitions.** For the purposes of this section:

(a) "Home medical equipment" means technologically sophisticated medical equipment and devices usable in a home care setting, including, but not limited to:

(i) Oxygen for human consumption, oxygen concentrators and/or oxygen delivery systems and equipment;

(ii) Ventilators;

(iii) Respiratory disease management devices;

(iv) Electronic and computer driven wheelchairs and seating systems;

(v) Apnea monitors;

(vi) Transcutaneous electrical nerve stimulator (TENS) units;

(vii) Low air loss cutaneous pressure management devices;

(viii) Sequential compression devices;

(ix) Neonatal home phototherapy devices;

(x) Feeding pumps; and

(xi) Other similar equipment as defined in regulations adopted by the board.

The term "home medical equipment" does not include medical equipment used in the normal course of treating patients by hospitals, hospices, long-term care facilities or home health agencies, or medical equipment used or dispensed by health care professionals licensed by the State of Mississippi if the professional is practicing within the scope of his or her professional practice. In addition, the term does not include items such as upper and lower extremity prosthetics, canes, crutches, walkers, bathtub grab bars, standard wheelchairs, commode chairs and bath benches.

(b) "Home medical equipment services" means the delivery, installation, maintenance, replacement, and/or

instruction in the use of home medical equipment, used by a sick or disabled individual, to allow the individual to be cared for and maintained in a home or noninstitutional environment.

(c) "Medical gas" means those gases and liquid oxygen intended for human consumption.

(d) "Order" means an order issued by a licensed practitioner legally authorized to order home medical equipment and/or medical gases.

(2) **Permit required.** (a) No person, business or entity located in this state or outside of this state that is subject to this section shall sell, rent or provide or offer to sell, rent or provide directly to patients in this state any home medical equipment, legend devices, and/or medical gas unless such person, business or entity first obtains a Medical Equipment Supplier Permit from the board.

(b) The permitting requirements of this section apply to all persons, companies, agencies and other business entities that are in the business of supplying home medical equipment to patients in their places of residence and that bill the patient or the patient's insurance, Medicare, Medicaid or other third party payor for the rent or sale of that equipment.

(c) The board shall require a separate permit for each facility location directly or indirectly owned or operated in this state.

(d) The application for a permit shall be made to the board on a form supplied by the board and shall be accompanied by a fee of not more than Three Hundred Dollars ($300.00), as prescribed by the board. Once issued, every permit must be renewed annually, and the renewal fee shall be not more than One Hundred Seventy-five Dollars ($175.00), as prescribed by the board.

(e) All permits issued under this section shall expire annually on June 30 of each year. Applications for renewal must be made to the board on or before June 30 and must be accompanied by the fee as prescribed by the board. A late renewal fee of One Hundred Dollars ($100.00) shall be added to all renewal applications received by the board after June 30 of each renewal period. The permit shall become void if the renewal application, renewal fee and the late renewal fee are not received by the board by September 30 of each year.

(3) **Exemptions.** (a) The permitting requirements of this section do not apply to the following entities or practitioners unless they have a separate business entity, company, corporation or division that is in the business of providing home medical equipment for sale or rent to patients at their places of residence:

(i) Home health agencies;

(ii) Hospitals;

(iii) Wholesalers and/or manufacturers;

(iv) Medical doctors, physical therapists, respiratory therapists, occupational therapists, speech pathologists, optometrists, chiropractors and podiatrists who use home medical equipment and/or legend devices in their individual practices;

(v) Pharmacies;

(vi) Hospice programs;

(vii) Nursing homes and/or long-term care facilities;

(viii) Veterinarians; dentists; and emergency medical services.

(b) Although community pharmacies are exempt from the permitting requirements of this section, they shall be subject to the same regulations that are applicable to permitted businesses or entities for the sale or rental of home medical equipment covered by this section.

(c) Nothing in this section shall prohibit trained individuals from using oxygen, liquid oxygen and/or legend devices in emergencies.

(d) Nothing in this section shall prohibit the prehospital emergency administration of oxygen by licensed health care providers, emergency medical technicians, first responders, firefighters, law enforcement officers and other emergency personnel trained in the proper use of emergency oxygen.

(4) **Order required.** Home medical equipment suppliers shall not provide any home medical equipment to a patient without a valid order from an authorized licensed practitioner.

(5) **Regulations.** The board shall adopt regulations for the distribution and sale or rental of home medical equipment, legend devices and medical gases that promote the public health and welfare and comply with at least the minimum standards, terms and conditions of federal laws and regulations. The regulations shall include, without limitation:

(a) Minimum information from each home medical equipment, legend device and medical gas supplier required for permitting and renewal permits;

(b) Minimum qualifications of persons who engage in the distribution of home medical equipment;

(c) Appropriate education, training or experience of persons employed by home medical equipment suppliers;

(d) Minimum standards for storage of home medical equipment;

(e) Minimum requirements for the establishment and maintenance of all records for the sale, rental and servicing of home medical equipment; and

(f) Minimum standards of operation and professional conduct.

(6) **Medical Equipment Advisory Committee to the board.**

(a) A Medical Equipment Advisory Committee (MEAC), composed of three (3) members selected by the Mississippi Association of Medical Equipment Suppliers and approved by the board, shall review and make recommendations to the board regarding all regulations dealing with home medical equipment, legend devices and medical gases that are proposed by the board and before they are adopted by the board.

(b) All MEAC members must have been actively involved in the home medical equipment business for a minimum of five (5) years before the selection to the committee and shall hold and maintain, in good standing, a permit issued by the board under this section.

(c) The MEAC members shall meet at least quarterly and review all home medical equipment suppliers' inspection reports. All complaints and reports of investigations of violations of law or regulations regarding home medical equipment, legend devices and medical gases shall first be reviewed by the MEAC. After review, the MEAC may make recommendations to the board's Investigations Review Committee regarding further administrative action by the board.

(d) The MEAC shall keep and maintain minutes of all meetings of the MEAC and shall provide copies of the minutes to the board on a quarterly basis.

(7) **Revocation, suspension or restriction of permit and penalties.**

(a) The board may revoke, suspend, restrict or refuse to issue or renew a permit or impose a monetary penalty, in accordance with Section 73-21-103 except that the monetary penalty shall not exceed Ten Thousand Dollars ($10,000.00) per violation, if the business or holder of a permit or applicant for a permit issued under this section has committed or is found guilty by the board of any of the following:

(i) Violation of any federal, state or local law or regulations relating to home medical equipment, legend devices or medical gases.

(ii) Violation of any of the provisions of this section or regulations adopted under this section.

(iii) Commission of an act or engaging in a course of conduct that constitutes a clear and present danger to the public health and safety.

(iv) Filing a claim or assisting in the filing of a claim for reimbursement for home medical equipment or home medical equipment services that were not provided or that were not authorized to be provided.

(v) Failure to comply with any lawful order of the board.

(b) Disciplinary action by the board against a business or any person holding a permit under this section shall be in accordance with Section 73-21-99.

**SECTION 22.** Section 73-21-109, Mississippi Code of 1972, is reenacted as follows:

73-21-109. No person shall make use of the terms "drugstore," "pharmacy," "apothecary" or words of similar meaning which indicate that pharmaceutical services are performed in any sign, letterhead or advertisement unless such person is a permit holder as provided in Section 73-21-105, or such property or name was previously registered with the Mississippi State Board of Pharmacy or provided pharmaceutical services in excess of twenty (20) years. Any person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Three Hundred Dollars ($300.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days, or by both.

**SECTION 23.** Section 73-21-111, Mississippi Code of 1972, is reenacted and amended as follows:

73-21-111. (1) The board shall make, adopt, amend and repeal, from time to time, such rules and regulations for the regulation of supportive personnel as may be deemed necessary by the board.

(2) Every person who acts or serves as a pharmacy technician in a pharmacy that is located in this state and permitted by the board shall obtain a registration from the board. To obtain a pharmacy technician registration the applicant must:

(a) Have submitted a written application on a form(s) prescribed by the board; and

(b) Be of good moral character; and

(c) Have paid the initial registration fee not to exceed One Hundred Dollars ($100.00).

(3) Each pharmacy technician shall renew his or her registration annually. To renew his or her registration, a technician must:

(a) Submit an application on a form prescribed by the board; and

(b) Pay a renewal fee not to exceed One Hundred Dollars ($100.00) for each annual registration period. The board may add a surcharge of not more than Five Dollars ($5.00) to the registration renewal fee to assist in funding a program that assists impaired pharmacists, pharmacy students and pharmacy technicians.

(4) To insure that all applicants are of good moral character, the board shall conduct a criminal history records check on all applicants for a license. In order to determine the applicant's suitability for licensing, the applicant shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forwarded to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the

national check to the board for a suitability determination. The board shall be authorized to collect from the applicant the amount of the fee that the Department of Public Safety charges the board for the fingerprinting, whether manual or electronic, and the state and national criminal history records checks.

**SECTION 24.** Section 73-21-113, Mississippi Code of 1972, is reenacted as follows:

73-21-113. All fees received by the board from examinations, licenses, permits and monetary penalties, and any other funds received by the board, shall be paid to the State Treasurer, who shall issue receipts therefor and deposit such funds in the State Treasury in a special fund to the credit of the board. All such funds shall be expended only pursuant to appropriation approved by the Legislature and as provided by law.

**SECTION 25.** Section 73-21-115, Mississippi Code of 1972, is reenacted as follows:

73-21-115. (1) Every prescription written in this state by a person authorized to issue such prescription shall be on prescription forms containing two (2) lines for the prescriber's signature. There shall be a signature line in the lower right-hand corner of the prescription form beneath which shall be clearly imprinted the words "substitution permissible." There shall be a signature line in the lower left-hand corner of the prescription form beneath which shall be clearly imprinted the words "dispense as written." The prescriber's signature on either

signature line shall validate the prescription and shall designate approval or disapproval of product selection.

(2) If a prescription form which does not contain the two (2) signature lines required in subsection (1) of this section is utilized by the prescriber, he shall write in his own handwriting the words "dispense as written" thereupon to prevent product selection.

(3) A pharmacist licensed by the Mississippi State Board of Pharmacy may dispense a one-time emergency dispensing of a prescription of up to a seventy-two-hour supply of a prescribed medication in the event the pharmacist is unable to contact the prescriber to obtain refill authorization, provided that:

(a) The prescription is not for a controlled substance;

(b) In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort;

(c) The dispensing pharmacist notifies the prescriber or his agent of the emergency dispensing within seven (7) working days after the one-time emergency dispensing;

(d) The pharmacist properly records the dispensing as a separate nonrefillable prescription. Said document shall be filed as is required of all other prescription records. This document shall be serially numbered and contain all information required of other prescriptions. In addition it shall contain the number of the prescription from which it was refilled; and

(e) The pharmacist shall record on the new document the circumstances which warrant this emergency dispensing.

This emergency dispensing shall be done only in the permitted facility which contains the nonrefillable prescription.

**SECTION 26.** Section 73-21-117, Mississippi Code of 1972, is reenacted as follows:

73-21-117. (1) A pharmacist may select a generic equivalent drug product or an interchangeable biological product only when such selection results in lower cost to the purchaser, unless product selection is expressly prohibited by the prescriber.

(2) A pharmacist shall select a generic equivalent drug product or an interchangeable biological product when:

(a) The purchaser requests the selection of a generic equivalent drug product or an interchangeable biological product; or

(b) The prescriber has not expressly prohibited product selection; and

(c) Product selection will result in lower cost to the purchaser.

Before product selection is made, the pharmacist shall advise the purchaser of his prerogatives under this subsection.

(3) When requested by the purchaser to dispense the drug product or biological product as ordered by the prescriber, a pharmacist shall not select a generic equivalent drug product or an interchangeable biological product.

(4) Within five (5) business days following the dispensing of any biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific product provided to the purchaser, including the name of the product and the manufacturer, and communicate that information to the prescriber. The communication shall be conveyed by making an entry that is electronically accessible to the prescriber through:

(a) An interoperable electronic medical records system;

(b) An electronic prescribing technology;

(c) A pharmacist benefit management system; or

(d) A pharmacy record.

(5) Entry into an electronic records system as described in subsection (4) of this section is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means, provided that communication shall not be required where:

(a) There is no federal Food and Drug Administration-approved interchangeable biological product for the product prescribed; or

(b) A refill prescription is not changed from the product dispensed on the prior filling of the prescription.

(6) The board shall maintain a link on its website to the federal Food and Drug Administration's List of Licensed Biological

Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations.

**SECTION 27.** Section 73-21-119, Mississippi Code of 1972, is reenacted as follows:

73-21-119. (1) The label of the container of any drug product which is sold within the State of Mississippi for resale at retail and which requires a prescription to be dispensed at retail shall contain at a minimum the name of the manufacturer of the final dosage unit, expiration date if applicable, batch or lot number and national drug code. The label of the container of any biological product dispensed by a pharmacist shall include its nonproprietary name designated by the federal Food and Drug Administration for use and the name of the manufacturer of the product.

(2) Whenever product selection is made, the pharmacist shall indicate on the label of the dispensed container the initials "G.E." or "I.B.," as appropriate. The label for generic equivalent drugs shall include the proprietary name of the product dispensed or the generic name of the product dispensed and its manufacturer either written in full or appropriately abbreviated, unless the prescriber indicates that the name of the drug product shall not appear on the label. The label for interchangeable biological products shall include its nonproprietary name designated by the federal Food and Drug Administration for use and the name of the manufacturer of the product.

**SECTION 28.** Section 73-21-121, Mississippi Code of 1972, is reenacted as follows:

73-21-121. (1) Product selection as authorized by Sections 73-21-115 through 73-21-119 shall not constitute evidence of negligence by the dispensing pharmacist when such product selection is in accordance with reasonable and prudent pharmacy practice. No prescriber shall be liable for civil damages or in any criminal prosecution arising from the incorrect product selection by a pharmacist.

(2) Any person having knowledge relating to a pharmacist or to a pharmacy student which might provide grounds for disciplinary action by the board may report relevant facts to the board, and shall by reason of reporting such facts in good faith be immune from civil liability.

(3) Any person furnishing information in the form of data, reports or records to the board or to a pharmacist organization approved by the board to receive such information, where such information is furnished for the purpose of aiding a pharmacist or a pharmacy student impaired by chemical abuse or by mental or by physical illness, shall by reason of furnishing such information in good faith be immune from civil liability.

(4) The records of the board or the records of a pharmacist organization approved by the board to aid pharmacists or pharmacy students impaired by chemical abuse, where such records relate to the impairment, shall be confidential and are not considered open

records; provided, however, the board may disclose this confidential information only:

(a) In a disciplinary hearing before the board, or in an appeal of an action or order of the board;

(b) To the pharmacist licensing or disciplinary authorities of other jurisdictions in the case of a pharmacist who is licensed in, or seeking transfer to, another state; or

(c) Pursuant to an order of a court of competent jurisdiction.

**SECTION 29.** Section 73-21-123, Mississippi Code of 1972, is reenacted and amended as follows:

73-21-123. Nothing in this chapter shall be construed to prevent, or in any manner interfere with, or to require a permit for the sale of nonnarcotic nonprescription drugs which may be lawfully sold under the United States Food, Drug and Cosmetic Act (21 USCS 301 et seq. as now or hereafter amended) without a prescription, nor shall any rule or regulation be adopted by the board under the provisions of this chapter which shall require the sale of nonprescription drugs by a licensed pharmacist * * * in a pharmacy or otherwise apply to or interfere with the sale or distribution of such drugs.

**SECTION 30.** Section 73-21-125, Mississippi Code of 1972, is reenacted as follows:

73-21-125. (1) Any community pharmacy, including a faith-based community pharmacy, or any licensed pharmacist who

voluntarily provides charitable services in a community pharmacy, or any other person who serves as a volunteer in a community pharmacy, shall be immune from liability for any civil action arising out of supplying pharmaceutical products in the course of providing such charitable or gratuitous pharmaceutical products. This section shall not extend immunity to acts of gross negligence or willful or wanton misconduct or to the manufacturer or designer of products provided.

(2) Any community pharmacy seeking immunity under this section shall post a notice, in a conspicuous place adjacent to the area where prescriptions are picked up by consumers, reading substantially as follows: "NOTICE: If you are harmed by medication that you receive here, you do not have the same legal recourse as you have against other pharmacies." Failure to post the notice negates the immunity from liability provided under this section. The notice shall be no less than eleven (11) by fourteen (14) inches in size, and the type used shall be no smaller than thirty-six (36) point and surrounded by a one-inch solid black border.

(3) For purposes of this section, "community pharmacy" means a pharmacy operated solely for charitable purposes, whose only function is to supply gratuitous pharmaceutical products, and which is operated by a nonprofit organization qualified or eligible for qualification as a tax-exempt organization under 26 USCS 501.

**SECTION 31.** Section 73-21-126, Mississippi Code of 1972, is reenacted as follows:

73-21-126. (1) The State Board of Pharmacy shall promulgate rules regarding the issuance and renewal of licenses and permits for new or renewal application requirements for both in- and out-of-state wholesale distributors, chain pharmacy warehouses and repackagers shipping into Mississippi. Requirements for new and/or renewal applications, if information has not been previously provided to the board, will include, but not be limited to, the following:

(a) Type of ownership (individual, partnership or corporation);

(b) Names of principal owners or officers and social security numbers;

(c) Names of designated representatives and social security numbers;

(d) Criminal background checks of applicants and designated representatives as required by rule;

(e) Copy of license in home state;

(f) Bond requirements.

(2) To ensure that all applicants are of good moral character, the board shall conduct a criminal history records check on all applicants for a license. In order to determine the applicant's suitability for licensing, the applicant shall be fingerprinted. The board shall submit the fingerprints to the

Department of Public Safety for a check of the state criminal records and forwarded to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination. The board shall be authorized to collect from the applicant the amount of the fee that the Department of Public Safety charges the board for the fingerprinting, whether manual or electronic, and the state and national criminal history records checks.

(3) The board shall promulgate rules for the establishment of a pedigree or electronic file to be used by wholesale distributors, chain pharmacy warehouses and repackagers for the purpose of ensuring the integrity of drugs owned, purchased, distributed, returned, transferred and sold when the products leave the normal distribution channel.

(4) The board is authorized to use an outside agency to accredit wholesale distributors and repackagers, including the National Association of Boards of Pharmacy's (NABP) Verified Accredited Wholesale Distributors (VAWD) program.

(5) Pharmacies shall not be responsible for verification or adjudication of the pedigree for pharmaceuticals.

(6) The board may exempt wholesalers accredited by the VAWD program from the above requirements.

**SECTION 32.** Section 73-21-127, Mississippi Code of 1972, is reenacted as follows:

73-21-127. The Board of Pharmacy shall develop and implement a computerized program to track prescriptions for controlled substances and to report suspected abuse and misuse of controlled substances in compliance with the federal regulations promulgated under authority of the National All Schedules Prescription Electronic Reporting Act of 2005 and in compliance with the federal HIPAA law, under the following conditions:

(a) Submission or reporting of dispensing information shall be mandatory and required by the State Board of Pharmacy for any entity dispensing controlled substances in or into the State of Mississippi, except for the dispensing of controlled substance drugs by a veterinarian residing in the State of Mississippi.

(b) The prescriptions tracked shall be prescriptions for controlled substances listed in Schedule II, III, IV or V and specified noncontrolled substances identified by the State Board of Pharmacy that are dispensed to residents in the State of Mississippi by licensed pharmacies, nonresident pharmacies, institutions and dispensing practitioners, regardless of dispenser location.

(c) The Board of Pharmacy shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide them with the relevant information obtained for further investigation.

(d) The program shall provide information regarding the potential inappropriate use of controlled substances and the specified noncontrolled substances to practitioners, pharmacists-in-charge and appropriate state agencies in order to prevent the inappropriate or illegal use of these controlled substances. The specific purposes of the program shall be to: be proactive in safeguarding public health and safety; support the legitimate use of controlled substances; facilitate and encourage the identification, intervention with and treatment of individuals addicted to controlled substances and specified noncontrolled drugs; identify and prevent drug diversion; provide assistance to those state and federal law enforcement and regulatory agencies investigating cases of drug diversion or other misuse; and inform the public and health care professionals of the use and abuse trends related to controlled substance and specified noncontrolled drugs.

(e) (i) Access to collected data shall be confidential and not subject to the provisions of the federal Freedom of Information Act or the Mississippi Public Records Act. Upon request, the State Board of Pharmacy shall provide collected information to: pharmacists or practitioners who are properly registered with the State Board of Pharmacy and are authorized to prescribe or dispense controlled substances for the purpose of providing medical and pharmaceutical care for their patients; local, state and federal law enforcement officials engaged in the

administration, investigation or enforcement of the laws governing illicit drug use; regulatory and licensing boards in this state; Division of Medicaid regarding Medicaid and Medicare Program recipients; judicial authorities under grand jury subpoena; an individual who requests the individual's own prescription monitoring information; and prescription monitoring programs in other states through mutual agreement adhering to State Board of Pharmacy policies.

(ii) The Director of the Mississippi Bureau of Narcotics, or his designee, shall have access to the Prescription Monitoring Program (PMP) database for the purpose of investigating the potential illegal acquisition, distribution, dispensing, prescribing or administering of the controlled and noncontrolled substances monitored by the program, subject to all legal restrictions on further dissemination of the information obtained.

(iii) The State Board of Pharmacy may also provide statistical data for research or educational purposes if the board determines the use of the data to be of significant benefit to public health and safety. The board maintains the right to refuse any request for PMP data.

(iv) A pharmacist licensed by the Mississippi Board of Pharmacy must be a registered user of the PMP. Failure of a pharmacist licensed by the Mississippi Board of Pharmacy to register as a user of the PMP is grounds for disciplinary action by the board.

(v) All licensed practitioners as defined under Section 73-21-73(ee) holding an active DEA number shall register as users of the PMP.

(f) The Prescription Monitoring Program through the Board of Pharmacy may:

(i) Establish the cost of administration, maintenance, and operation of the program and charge to like agencies a fee based on a formula to be determined by the board with collaboration and input from participating agencies; and

(ii) Assess charges for information and/or statistical data provided to agencies, institutions and individuals. The amounts of those fees shall be set by the Executive Director of the Board of Pharmacy based on the recommendation of the Director of the PMP.

All such fees collected shall be deposited into the special fund of the State Board of Pharmacy and used to support the operations of the PMP.

(g) A dispenser pharmacist or practitioner licensed to dispense controlled substances and specified noncontrolled substance drugs who knowingly fails to submit drug-monitoring information or knowingly submits incorrect dispensing information shall be subject to actions against the pharmacist's or practitioner's license, registrations or permit and/or an administrative penalty as provided in Sections 73-21-97 and

73-21-103. Any misuse of the PMP is subject to penalties as provided in Sections 73-21-97 and 73-21-103.

(h) The Board of Pharmacy and the Prescription Monitoring Program shall be immune from civil liability arising from inaccuracy of any of the information submitted to the program.

(i) "Practitioner," as used in this section, shall include any person licensed, registered or otherwise permitted to distribute, dispense, prescribe or administer a controlled substance, as defined under Section 41-29-105(y), and any person defined as a "practitioner" under Section 73-21-73(ee).

(j) In addition to any funds appropriated by the Legislature, the State Board of Pharmacy may apply for any available grants and accept any gifts, grants or donations to assist in future development or in maintaining the program.

**SECTION 33.** Section 73-21-129, Mississippi Code of 1972, is reenacted as follows:

73-21-129. (1) Each manufacturer whose products are distributed within the State of Mississippi shall make adequate provision for the return of outdated drugs from pharmacies, both full and partial containers, excluding biological, infused or intravenously injected drugs and drugs that are inhaled during surgery, within six (6) months after the labeled expiration date, for prompt full credit or refund.

(2) Wholesale distributors and reverse distributors that are required to register with the board and have a permit under Section 73-21-105 shall implement and administer the return policies established by the manufacturer.

(3) If the board receives information that a manufacturer has failed to comply with this section, the board shall investigate the matter and present any evidence of the manufacturer's failure to comply to a review committee composed of the Dean of the University of Mississippi School of Pharmacy, the Executive Director of the State Board of Pharmacy and the Director of the Pharmacy Bureau of the Division of Medicaid, or the designee of any of those officials. The committee shall review the evidence of the manufacturer's failure to comply with this section and make a recommendation to the board regarding the discipline of the manufacturer for its failure to comply. After the board has received the recommendation of the committee, the board may discipline the manufacturer by providing that the manufacturer's products shall be ineligible for use in product selection in any state drug assistance programs.

(4) A pharmacist may not dispense a prescription drug or controlled drug unless the pharmacist has satisfactory evidence that the manufacturer of the drug has a procedure for the return of expired drugs.

(5) Any manufacturer that had a repurchase program in place on January 1, 2008, shall be exempt from the provisions of this

section, provided that the repurchase program makes provision for the repurchase of outdated drugs in either full or partial amounts within six (6) months after the labeled expiration date.

(6) As used in this section, the term "biological drug" or "biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product or analogous product, or arsphenamine or derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment or cure of a disease or condition of human beings.

**SECTION 34.** Section 73-21-69, Mississippi Code of 1972, is amended as follows:

73-21-69. Sections 73-21-71 through 73-21-129, which create the State Board of Pharmacy and prescribe its duties and powers, shall stand repealed on July 1, * * * 2025.

**SECTION 35.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 697

**Description:** Ad valorem taxes; extend reverter on authority for late payment without penalty or interest when exemption was inadvertently extended.

**Fiscal Note:** No fiscal note conducted

**Background Information:**
*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/06 | (H) Referred To Ways and Means |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/10 | (H) Passed {Vote} |
| 4 | 03/11 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Finance |
| 6 | 06/04 | (S) Title Suff Do Pass As Amended |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 697

**Code Section:** A 027-0035-0157

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Turner

***Title:*** AN ACT TO AMEND SECTION 27-35-157, MISSISSIPPI CODE OF 1972, TO REMOVE THE REVERTER ON THE PROVISION THAT IF PROPERTY IS FOUND TO HAVE ESCAPED AD VALOREM TAXATION DUE TO A COUNTY BOARD OF SUPERVISORS HAVING GRANTED AN AD VALOREM TAX EXEMPTION

AUTHORIZED BY LAW AND THEN INADVERTENTLY ALLOWING THE EXEMPTION TO EXTEND BEYOND THE PERIOD AUTHORIZED BY LAW FOR THE EXEMPTION, A TAXPAYER MAY PAY THE AD VALOREM TAXES, WITHOUT ANY PENALTY OR INTEREST, WHICH OTHERWISE WOULD HAVE BEEN LEVIED ON THE PROPERTY HAD IT NOT BEEN INADVERTENTLY EXEMPTED FROM AD VALOREM TAXATION BY THE COUNTY BOARD OF SUPERVISORS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Turner To: Ways and Means

HOUSE BILL NO. 697
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-35-157, MISSISSIPPI CODE OF 1972, TO REMOVE THE REVERTER ON THE PROVISION THAT IF PROPERTY IS FOUND TO HAVE ESCAPED AD VALOREM TAXATION DUE TO A COUNTY BOARD OF SUPERVISORS HAVING GRANTED AN AD VALOREM TAX EXEMPTION AUTHORIZED BY LAW AND THEN INADVERTENTLY ALLOWING THE EXEMPTION TO EXTEND BEYOND THE PERIOD AUTHORIZED BY LAW FOR THE EXEMPTION, A TAXPAYER MAY PAY THE AD VALOREM TAXES, WITHOUT ANY PENALTY OR INTEREST, WHICH OTHERWISE WOULD HAVE BEEN LEVIED ON THE PROPERTY HAD IT NOT BEEN INADVERTENTLY EXEMPTED FROM AD VALOREM TAXATION BY THE COUNTY BOARD OF SUPERVISORS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-35-157, Mississippi Code of 1972, is amended as follows:

* * *

27-35-157. When the assessor shall assess the persons or property, as provided in Section 27-35-155 and shall file the same with the clerk as therein provided, the clerk shall enter the same on the last approved roll or rolls in his hands, separately for former years, and for the current year. The clerk shall immediately give ten (10) days' notice in writing, to the person or corporation whose property is thus assessed, that all objections to such assessment must be made in writing to the board

of supervisors, and will be heard and determined at the next regular meeting of the board. The board at its regular meeting may continue the matter to any other regular, special or adjourned meeting of said board. When the assessment is finally fixed and approved by the board, an appeal to the circuit court may be taken from the order of the board approving or disapproving such assessment, by the owner of the property, or by the Attorney General or other officer authorized by law, in the manner, and within the time, provided by law. If the assessment be approved and no appeal be taken, when the same has been finally determined, the clerk shall certify the said assessment to the tax collector, setting forth in his certificate the year or years for which such assessment is made, and separately the current assessment, the name of the municipality, road district, school district, or other taxing district in which the same is located. Taxes for the current year shall be collected as provided by law for other nondelinquent taxes. Except as otherwise provided in this section, the tax collector shall proceed forthwith to collect all taxes due on said assessment for the former year or years at the rates fixed by law and, in addition thereto, shall collect as a penalty ten percent (10%) of the amount of the taxes due for each year, together with interest at six percent (6%) per annum computed from the first day of February on which the taxes should have been paid. If property is found to have escaped taxation due to a county board of supervisors having granted any ad valorem tax

exemption authorized under Sections 27-31-101 through 27-31-117 and then inadvertently allowing the exemption to extend beyond the period authorized by law for the exemption, a taxpayer may pay the ad valorem taxes, without any penalty or interest, which otherwise would have been levied on the property had it not been inadvertently exempted from ad valorem taxation by the county board of supervisors. If the taxes, penalties and interest shall not be paid within thirty (30) days after the final assessment is certified to him, the property, if it be real estate, shall be sold as provided by law, and if it be personal property, the tax collector shall proceed to collect by distress, or otherwise, as provided by law.

* * *

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 708

**Description:** Pharmacy Benefit Prompt Pay Act; revise various provisions of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* ** See Text

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/10 | (H) | Referred To Public Health and Human Services |
| 2 | 02/20 | (H) | Title Suff Do Pass |
| 3 | 03/04 | (H) | Amended |
| 4 | 03/04 | (H) | Passed As Amended {Vote} |
| 5 | 03/06 | (H) | Transmitted To Senate |
| 6 | 05/11 | (S) | Referred To Public Health and Welfare |
| 7 | 06/03 | (S) | Title Suff Do Pass As Amended |
| 8 | 06/10 | (S) | Amended |
| 9 | 06/10 | (S) | Passed As Amended {Vote} |
| 10 | 06/11 | (S) | Returned For Concurrence |
| 11 | 06/17 | (H) | Concurred in Amend From Senate {Vote} |
| 12 | 06/22 | (H) | Enrolled Bill Signed |
| 13 | 06/23 | (S) | Enrolled Bill Signed |
| 14 | 06/29 | | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 708

**Code Section:** A 073-0021-0151, A 073-0021-0153, A 073-0021-0155, A 073-0021-0157, A 073-0021-0159

**----- Additional Information -----**

***House Committee:*** Public Health and Human Services
***Senate Committee:*** Public Health and Welfare

***Principal Author:*** Mims
***Additional Authors:*** Creekmore IV, Scoggin, Bain, Hobgood-Wilkes, Brown (20th), Arnold, Anthony

***Title:*** AN ACT TO AMEND SECTION 73-21-153, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "HEALTH INSURANCE PLAN" AND DEFINE THE TERM "PHARMACY BENEFIT MANAGER AFFILIATE" FOR THE PURPOSES OF THE PHARMACY BENEFIT PROMPT PAY ACT; TO AMEND SECTION 73-21-155, MISSISSIPPI CODE OF 1972, TO REDUCE THE PERIOD OF TIME WITHIN WHICH ALL BENEFITS PAYABLE UNDER A PHARMACY BENEFIT MANAGEMENT PLAN MUST BE PAID FROM FIFTEEN DAYS TO SEVEN DAYS; TO PROHIBIT PHARMACY BENEFIT MANAGERS FROM RETROACTIVELY DENYING OR REDUCING A CLAIM OR AGGREGATE OF CLAIMS AFTER THE CLAIM OR AGGREGATE OF CLAIMS HAS BEEN ADJUDICATED; TO CREATE NEW SECTION 73-21-156, MISSISSIPPI CODE OF 1972, TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PHARMACY BENEFIT MANAGER MAY PLACE A DRUG ON A MAXIMUM ALLOWABLE COST LIST; TO REQUIRE PHARMACY BENEFIT MANAGERS TO PROVIDE ACCESS TO THEIR MAXIMUM ALLOWABLE COST LIST TO EACH PHARMACY SUBJECT TO THE LIST, UPDATE THE LIST ON A TIMELY BASIS, AND PROVIDE A PROCESS FOR EACH PHARMACY SUBJECT TO THE LIST TO RECEIVE PROMPT NOTIFICATION OF AN UPDATE TO THE LIST; TO REQUIRE PHARMACY BENEFIT MANAGERS TO PROVIDE AN ADMINISTRATIVE APPEAL PROCEDURE TO ALLOW PHARMACIES TO CHALLENGE A MAXIMUM ALLOWABLE COST LIST AND REIMBURSEMENTS MADE UNDER SUCH A LIST; TO PROHIBIT PHARMACY BENEFIT MANAGERS FROM REIMBURSING A PHARMACY OR PHARMACIST AN AMOUNT LESS THAN THE AMOUNT THAT THE MANAGER REIMBURSES A PHARMACY BENEFIT MANAGER AFFILIATE FOR PROVIDING THE SAME PHARMACIST SERVICES; TO AMEND SECTION 73-21-157, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISION RELATING TO DISCLOSURE OF PROPRIETARY INFORMATION BY PHARMACY BENEFIT MANAGERS TO THE STATE BOARD OF PHARMACY; TO REQUIRE THE BOARD TO DESTROY OR DELETE ALL SUCH INFORMATION THIRTY DAYS AFTER THE BOARD DETERMINES THAT THE INFORMATION IS NO LONGER NECESSARY OR USEFUL; TO PROVIDE THAT ANY PERSON WHO KNOWINGLY RELEASES ANY SUCH INFORMATION SHALL BE SUBJECT TO A MONETARY PENALTY IMPOSED BY THE BOARD; TO PROVIDE THAT ALL EMPLOYEES OF THE BOARD WHO HAVE ACCESS TO SUCH INFORMATION SHALL BE FINGERPRINTED AND UNDERGO A CRIMINAL HISTORY RECORDS CHECK; TO PROHIBIT PHARMACY BENEFIT MANAGERS OR THIRD-PARTY PAYORS FROM REQUIRING PHARMACY ACCREDITATION STANDARDS OR RECERTIFICATION REQUIREMENTS INCONSISTENT WITH, MORE STRINGENT THAN, OR IN ADDITION TO FEDERAL AND STATE REQUIREMENTS FOR LICENSURE AS A PHARMACY IN THIS STATE; TO CREATE NEW SECTION 73-21-161, MISSISSIPPI CODE OF 1972, TO PROHIBIT PHARMACIES, PHARMACY BENEFIT MANAGERS AND PHARMACY BENEFIT MANAGER AFFILIATES FROM ORDERING OF A PATIENT TO A PHARMACY BY A PHARMACY BENEFIT MANAGER AFFILIATE, OFFERING OR IMPLEMENTING PLAN DESIGNS THAT REQUIRE PATIENTS TO USE AFFILIATED PHARMACIES, PATIENT OR PROSPECTIVE

PATIENT SPECIFIC ADVERTISING, MARKETING OR PROMOTION OF A PHARMACY BY AN AFFILIATE; TO REQUIRE RESIDENT AND NONRESIDENT PHARMACIES THAT HAVE AFFILIATES TO ANNUALLY FILE WITH THE BOARD A DISCLOSURE STATEMENT IDENTIFYING ALL SUCH AFFILIATES; TO CREATE NEW SECTION 73-21-163, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO BRING COURT ACTIONS FOR TEMPORARY OR PERMANENT INJUNCTIONS TO PROHIBIT A PHARMACY BENEFIT MANAGER OR PHARMACY BENEFIT MANAGER AFFILIATE FROM USING ANY METHOD, ACT OR PRACTICE PROHIBITED IN THE PHARMACY BENEFIT PROMPT PAY ACT; TO AUTHORIZE THE BOARD TO IMPOSE A MONETARY PENALTY ON A PHARMACY BENEFIT MANAGER OR PHARMACY BENEFIT MANAGER AFFILIATE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE PHARMACY BENEFIT PROMPT PAY ACT; TO AMEND SECTIONS 73-21-151 AND 73-21-159, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Mims, Creekmore IV, Scoggin, Bain, Hobgood-Wilkes, Brown (20th), Arnold, Anthony

To: Public Health and Human Services

HOUSE BILL NO. 708
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-21-153, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "HEALTH INSURANCE PLAN" AND DEFINE THE TERM "PHARMACY BENEFIT MANAGER AFFILIATE" FOR THE PURPOSES OF THE PHARMACY BENEFIT PROMPT PAY ACT; TO AMEND SECTION 73-21-155, MISSISSIPPI CODE OF 1972, TO REDUCE THE PERIOD OF TIME WITHIN WHICH ALL BENEFITS PAYABLE UNDER A PHARMACY BENEFIT MANAGEMENT PLAN MUST BE PAID FROM FIFTEEN DAYS TO SEVEN DAYS; TO PROHIBIT PHARMACY BENEFIT MANAGERS FROM RETROACTIVELY DENYING OR REDUCING A CLAIM OR AGGREGATE OF CLAIMS AFTER THE CLAIM OR AGGREGATE OF CLAIMS HAS BEEN ADJUDICATED; TO CREATE NEW SECTION 73-21-156, MISSISSIPPI CODE OF 1972, TO SPECIFY THE CIRCUMSTANCES UNDER WHICH A PHARMACY BENEFIT MANAGER MAY PLACE A DRUG ON A MAXIMUM ALLOWABLE COST LIST; TO REQUIRE PHARMACY BENEFIT MANAGERS TO PROVIDE ACCESS TO THEIR MAXIMUM ALLOWABLE COST LIST TO EACH PHARMACY SUBJECT TO THE LIST, UPDATE THE LIST ON A TIMELY BASIS, AND PROVIDE A PROCESS FOR EACH PHARMACY SUBJECT TO THE LIST TO RECEIVE PROMPT NOTIFICATION OF AN UPDATE TO THE LIST; TO REQUIRE PHARMACY BENEFIT MANAGERS TO PROVIDE AN ADMINISTRATIVE APPEAL PROCEDURE TO ALLOW PHARMACIES TO CHALLENGE A MAXIMUM ALLOWABLE COST LIST AND REIMBURSEMENTS MADE UNDER SUCH A LIST; TO PROHIBIT PHARMACY BENEFIT MANAGERS FROM REIMBURSING A PHARMACY OR PHARMACIST AN AMOUNT LESS THAN THE AMOUNT THAT THE MANAGER REIMBURSES A PHARMACY BENEFIT MANAGER AFFILIATE FOR PROVIDING THE SAME PHARMACIST SERVICES; TO AMEND SECTION 73-21-157, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISION RELATING TO DISCLOSURE OF PROPRIETARY INFORMATION BY PHARMACY BENEFIT MANAGERS TO THE STATE BOARD OF PHARMACY; TO REQUIRE THE BOARD TO DESTROY OR DELETE ALL SUCH INFORMATION THIRTY DAYS AFTER THE BOARD DETERMINES THAT THE INFORMATION IS NO LONGER NECESSARY OR USEFUL; TO PROVIDE THAT ANY PERSON WHO KNOWINGLY RELEASES ANY SUCH INFORMATION SHALL BE SUBJECT TO A MONETARY PENALTY IMPOSED BY THE BOARD; TO PROVIDE THAT ALL EMPLOYEES OF THE BOARD WHO HAVE ACCESS TO SUCH INFORMATION SHALL BE FINGERPRINTED AND UNDERGO A CRIMINAL HISTORY RECORDS CHECK; TO PROHIBIT PHARMACY BENEFIT MANAGERS OR

THIRD-PARTY PAYORS FROM REQUIRING PHARMACY ACCREDITATION STANDARDS OR RECERTIFICATION REQUIREMENTS INCONSISTENT WITH, MORE STRINGENT THAN, OR IN ADDITION TO FEDERAL AND STATE REQUIREMENTS FOR LICENSURE AS A PHARMACY IN THIS STATE; TO CREATE NEW SECTION 73-21-161, MISSISSIPPI CODE OF 1972, TO PROHIBIT PHARMACIES, PHARMACY BENEFIT MANAGERS AND PHARMACY BENEFIT MANAGER AFFILIATES FROM ORDERING OF A PATIENT TO A PHARMACY BY A PHARMACY BENEFIT MANAGER AFFILIATE, OFFERING OR IMPLEMENTING PLAN DESIGNS THAT REQUIRE PATIENTS TO USE AFFILIATED PHARMACIES, PATIENT OR PROSPECTIVE PATIENT SPECIFIC ADVERTISING, MARKETING OR PROMOTION OF A PHARMACY BY AN AFFILIATE; TO REQUIRE RESIDENT AND NONRESIDENT PHARMACIES THAT HAVE AFFILIATES TO ANNUALLY FILE WITH THE BOARD A DISCLOSURE STATEMENT IDENTIFYING ALL SUCH AFFILIATES; TO CREATE NEW SECTION 73-21-163, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD TO BRING COURT ACTIONS FOR TEMPORARY OR PERMANENT INJUNCTIONS TO PROHIBIT A PHARMACY BENEFIT MANAGER OR PHARMACY BENEFIT MANAGER AFFILIATE FROM USING ANY METHOD, ACT OR PRACTICE PROHIBITED IN THE PHARMACY BENEFIT PROMPT PAY ACT; TO AUTHORIZE THE BOARD TO IMPOSE A MONETARY PENALTY ON A PHARMACY BENEFIT MANAGER OR PHARMACY BENEFIT MANAGER AFFILIATE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE PHARMACY BENEFIT PROMPT PAY ACT; TO AMEND SECTIONS 73-21-151 AND 73-21-159, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-21-151, Mississippi Code of 1972, is amended as follows:

73-21-151. Sections 73-21-151 through 73-21- * * *<u>163</u> shall be known as the "Pharmacy Benefit Prompt Pay Act."

**SECTION 2.** Section 73-21-153, Mississippi Code of 1972, is amended as follows:

73-21-153. For purposes of Sections 73-21-151 through 73-21- * * *<u>163</u>, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Board" means the State Board of Pharmacy.

(b) "Commissioner" means the Mississippi Commissioner of Insurance.

(c) "Day" means a calendar day, unless otherwise defined or limited.

(d) "Electronic claim" means the transmission of data for purposes of payment of covered prescription drugs, other products and supplies, and pharmacist services in an electronic data format specified by a pharmacy benefit manager and approved by the department.

(e) "Electronic adjudication" means the process of electronically receiving, reviewing and accepting or rejecting an electronic claim.

(f) "Enrollee" means an individual who has been enrolled in a pharmacy benefit management plan.

(g) "Health insurance plan" means benefits consisting of prescription drugs, other products and supplies, and pharmacist services provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as prescription drugs, other products and supplies, and pharmacist services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a health insurance issuer * * *.

(h) "Pharmacy benefit manager" shall have the same definition as provided in Section 73-21-179. However, through

June 30, 2014, the term "pharmacy benefit manager" shall not include an insurance company that provides an integrated health benefit plan and that does not separately contract for pharmacy benefit management services. From and after July 1, 2014, the term "pharmacy benefit manager" shall not include an insurance company unless the insurance company is providing services as a pharmacy benefit manager as defined in Section 73-21-179, in which case the insurance company shall be subject to Sections 73-21-151 through 73-21-159 only for those pharmacy benefit manager services. In addition, the term "pharmacy benefit manager" shall not include the pharmacy benefit manager of the Mississippi State and School Employees Health Insurance Plan or the Mississippi Division of Medicaid or its contractors when performing pharmacy benefit manager services for the Division of Medicaid.

(i) "Pharmacy benefit manager affiliate" means a pharmacy or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with a pharmacy benefit manager.

( * * *j) "Pharmacy benefit management plan" shall have the same definition as provided in Section 73-21-179.

( * * *k) "Pharmacist," "pharmacist services" and "pharmacy" or "pharmacies" shall have the same definitions as provided in Section 73-21-73.

( * * *l) "Uniform claim form" means a form prescribed by rule by the State Board of Pharmacy; however, for purposes of Sections 73-21-151 through 73-21-159, the board shall adopt the same definition or rule where the State Department of Insurance has adopted a rule covering the same type of claim. The board may modify the terminology of the rule and form when necessary to comply with the provisions of Sections 73-21-151 through 73-21-159.

( * * *m) "Plan sponsors" means the employers, insurance companies, unions and health maintenance organizations that contract with a pharmacy benefit manager for delivery of prescription services.

**SECTION 3.** Section 73-21-155, Mississippi Code of 1972, is amended as follows:

73-21-155. (1) Reimbursement under a contract to a pharmacist or pharmacy for prescription drugs and other products and supplies that is calculated according to a formula that uses Medi-Span, Gold Standard or a nationally recognized reference that has been approved by the board in the pricing calculation shall use the most current * * * reference price or amount in the actual or constructive possession of the pharmacy benefit manager, its agent, or any other party responsible for reimbursement for prescription drugs and other products and supplies on the date of electronic adjudication or on the date of service shown on the nonelectronic claim.

(2) Pharmacy benefit managers, their agents and other parties responsible for reimbursement for prescription drugs and other products and supplies shall be required to update the nationally recognized reference prices or amounts used for calculation of reimbursement for prescription drugs and other products and supplies no less than every three (3) business days.

(3) (a) All benefits payable under a pharmacy benefit management plan shall be paid within * * * seven (7) days after receipt of due written proof of a clean claim where claims are submitted electronically, and shall be paid within thirty-five (35) days after receipt of due written proof of a clean claim where claims are submitted in paper format. Benefits due under the plan and claims are overdue if not paid within * * * seven (7) days or thirty-five (35) days, whichever is applicable, after the pharmacy benefit manager receives a clean claim containing necessary information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits and subrogation provisions under the plan sponsor's health insurance plan. A "clean claim" means a claim received by any pharmacy benefit manager for adjudication and which requires no further information, adjustment or alteration by the pharmacist or pharmacies or the insured in order to be processed and paid by the pharmacy benefit manager. A claim is clean if it has no defect or impropriety, including any lack of substantiating documentation, or particular circumstance requiring special treatment that

prevents timely payment from being made on the claim under this subsection. A clean claim includes resubmitted claims with previously identified deficiencies corrected.

(b) A clean claim does not include any of the following:

(i) A duplicate claim, which means an original claim and its duplicate when the duplicate is filed within thirty (30) days of the original claim;

(ii) Claims which are submitted fraudulently or that are based upon material misrepresentations;

(iii) Claims that require information essential for the pharmacy benefit manager to administer preexisting condition, coordination of benefits or subrogation provisions under the plan sponsor's health insurance plan; or

(iv) Claims submitted by a pharmacist or pharmacy more than thirty (30) days after the date of service; if the pharmacist or pharmacy does not submit the claim on behalf of the insured, then a claim is not clean when submitted more than thirty (30) days after the date of billing by the pharmacist or pharmacy to the insured.

(c) Not later than * * * seven (7) days after the date the pharmacy benefit manager actually receives an electronic claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the

pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Not later than thirty-five (35) days after the date the pharmacy benefit manager actually receives a paper claim, the pharmacy benefit manager shall pay the appropriate benefit in full, or any portion of the claim that is clean, and notify the pharmacist or pharmacy (where the claim is owed to the pharmacist or pharmacy) of the reasons why the claim or portion thereof is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean. Any claim or portion thereof resubmitted with the supporting documentation and information requested by the pharmacy benefit manager shall be paid within twenty (20) days after receipt.

(4) If the board finds that any pharmacy benefit manager, agent or other party responsible for reimbursement for prescription drugs and other products and supplies has not paid ninety-five percent (95%) of clean claims as defined in subsection (3) of this section received from all pharmacies in a calendar quarter, he shall be subject to administrative penalty of not more than Twenty-five Thousand Dollars ($25,000.00) to be assessed by the State Board of Pharmacy.

(a) Examinations to determine compliance with this subsection may be conducted by the board. The board may contract

with qualified impartial outside sources to assist in examinations to determine compliance. The expenses of any such examinations shall be paid by the pharmacy benefit manager examined.

(b) Nothing in the provisions of this section shall require a pharmacy benefit manager to pay claims that are not covered under the terms of a contract or policy of accident and sickness insurance or prepaid coverage.

(c) If the claim is not denied for valid and proper reasons by the end of the applicable time period prescribed in this provision, the pharmacy benefit manager must pay the pharmacy (where the claim is owed to the pharmacy) or the patient (where the claim is owed to a patient) interest on accrued benefits at the rate of one and one-half percent (1-1/2%) per month accruing from the day after payment was due on the amount of the benefits that remain unpaid until the claim is finally settled or adjudicated. Whenever interest due pursuant to this provision is less than One Dollar ($1.00), such amount shall be credited to the account of the person or entity to whom such amount is owed.

(d) Any pharmacy benefit manager and a pharmacy may enter into an express written agreement containing timely claim payment provisions which differ from, but are at least as stringent as, the provisions set forth under subsection (3) of this section, and in such case, the provisions of the written agreement shall govern the timely payment of claims by the pharmacy benefit manager to the pharmacy. If the express written

agreement is silent as to any interest penalty where claims are not paid in accordance with the agreement, the interest penalty provision of subsection (4)(c) of this section shall apply.

(e) The State Board of Pharmacy may adopt rules and regulations necessary to ensure compliance with this subsection.

(5) (a) For purposes of this subsection (5), "network pharmacy" means a licensed pharmacy in this state that has a contract with a pharmacy benefit manager to provide covered drugs at a negotiated reimbursement rate. A network pharmacy or pharmacist may decline to provide a brand name drug, multisource generic drug, or service, if the network pharmacy or pharmacist is paid less than that network pharmacy's acquisition cost for the product. If the network pharmacy or pharmacist declines to provide such drug or service, the pharmacy or pharmacist shall provide the customer with adequate information as to where the prescription for the drug or service may be filled.

(b) The State Board of Pharmacy shall adopt rules and regulations necessary to implement and ensure compliance with this subsection, including, but not limited to, rules and regulations that address access to pharmacy services in rural or underserved areas in cases where a network pharmacy or pharmacist declines to provide a drug or service under paragraph (a) of this subsection. The board shall promulgate the rules and regulations required by this paragraph (b) not later than October 1, 2016.

(6) A pharmacy benefit manager shall not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated.

**SECTION 4.** The following shall be codified as Section 73-21-156, Mississippi Code of 1972:

73-21-156. (1) As used in this section, the following terms shall be defined as provided in this subsection:

(a) "Maximum allowable cost list" means a listing of drugs or other methodology used by a pharmacy benefit manager, directly or indirectly, setting the maximum allowable payment to a pharmacy or pharmacist for a generic drug, brand-name drug, biologic product or other prescription drug. The term "maximum allowable cost list" includes without limitation:

(i) Average acquisition cost, including national average drug acquisition cost;

(ii) Average manufacturer price;

(iii) Average wholesale price;

(iv) Brand effective rate or generic effective rate;

(v) Discount indexing;

(vi) Federal upper limits;

(vii) Wholesale acquisition cost; and

(viii) Any other term that a pharmacy benefit manager or a health care insurer may use to establish

reimbursement rates to a pharmacist or pharmacy for pharmacist services.

(b) "Pharmacy acquisition cost" means the amount that a pharmaceutical wholesaler charges for a pharmaceutical product as listed on the pharmacy's billing invoice.

(2) Before a pharmacy benefit manager places or continues a particular drug on a maximum allowable cost list, the drug:

(a) If the drug is a generic equivalent drug product as defined in 73-21-73, shall be listed as therapeutically equivalent and pharmaceutically equivalent "A" or "B" rated in the United States Food and Drug Administration's most recent version of the "Orange Book" or "Green Book" or have an NR or NA rating by Medi-Span, Gold Standard, or a similar rating by a nationally recognized reference approved by the board;

(b) Shall be available for purchase by each pharmacy in the state from national or regional wholesalers operating in Mississippi; and

(c) Shall not be obsolete.

(3) A pharmacy benefit manager shall:

(a) Provide access to its maximum allowable cost list to each pharmacy subject to the maximum allowable cost list;

(b) Update its maximum allowable cost list on a timely basis, but in no event longer than three (3) calendar days; and

(c) Provide a process for each pharmacy subject to the maximum allowable cost list to receive prompt notification of an update to the maximum allowable cost list.

(4) A pharmacy benefit manager shall:

(a) Provide a reasonable administrative appeal procedure to allow pharmacies to challenge a maximum allowable cost list and reimbursements made under a maximum allowable cost list for a specific drug or drugs as:

(i) Not meeting the requirements of this section; or

(ii) Being below the pharmacy acquisition cost.

(b) The reasonable administrative appeal procedure shall include the following:

(i) A dedicated telephone number, email address and website for the purpose of submitting administrative appeals;

(ii) The ability to submit an administrative appeal directly to the pharmacy benefit manager regarding the pharmacy benefit management plan or through a pharmacy service administrative organization; and

(iii) A period of less than thirty (30) business days to file an administrative appeal.

(c) The pharmacy benefit manager shall respond to the challenge under paragraph (a) of this subsection (4) within thirty (30) business days after receipt of the challenge.

(d) If a challenge is made under paragraph (a) of this subsection (4), the pharmacy benefit manager shall within thirty (30) business days after receipt of the challenge either:

(i) If the appeal is upheld:

1. Make the change in the maximum allowable cost list payment to at least the pharmacy acquisition cost;

2. Permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question;

3. Provide the National Drug Code that the increase or change is based on to the pharmacy or pharmacist; and

4. Make the change under item 1 of this subparagraph (i) effective for each similarly situated pharmacy as defined by the payor subject to the maximum allowable cost list; or

(ii) If the appeal is denied, provide the challenging pharmacy or pharmacist the National Drug Code and the name of the national or regional pharmaceutical wholesalers operating in Mississippi that have the drug currently in stock at a price below the maximum allowable cost as listed on the maximum allowable cost list; or

(iii) If the National Drug Code provided by the pharmacy benefit manager is not available below the pharmacy acquisition cost from the pharmaceutical wholesaler from whom the pharmacy or pharmacist purchases the majority of prescription drugs for resale, then the pharmacy benefit manager shall adjust

the maximum allowable cost as listed on the maximum allowable cost list above the challenging pharmacy's pharmacy acquisition cost and permit the pharmacy to reverse and rebill each claim affected by the inability to procure the drug at a cost that is equal to or less than the previously challenged maximum allowable cost.

(5) (a) A pharmacy benefit manager shall not reimburse a pharmacy or pharmacist in the state an amount less than the amount that the pharmacy benefit manager reimburses a pharmacy benefit manager affiliate for providing the same pharmacist services.

(b) The amount shall be calculated on a per unit basis based on the same brand and generic product identifier or brand and generic code number.

**SECTION 5.** Section 73-21-157, Mississippi Code of 1972, is amended as follows:

73-21-157. (1) Before beginning to do business as a pharmacy benefit manager, a pharmacy benefit manager shall obtain a license to do business from the board. To obtain a license, the applicant shall submit an application to the board on a form to be prescribed by the board.

(2) Each pharmacy benefit manager providing pharmacy management benefit plans in this state shall file a statement with the board annually by March 1 or within sixty (60) days of the end of its fiscal year if not a calendar year. The statement shall be verified by at least two (2) principal officers and shall cover

the preceding calendar year or the immediately preceding fiscal year of the pharmacy benefit manager.

(3) The statement shall be on forms prescribed by the board and shall include:

(a) A financial statement of the organization, including its balance sheet and income statement for the preceding year; and

(b) Any other information relating to the operations of the pharmacy benefit manager required by the board under this section.

* * *

(4) (a) Any information required to be submitted to the board pursuant to licensure application that is considered proprietary by a pharmacy benefit manager shall be marked as confidential when submitted to the board. All such information shall not be subject to the provisions of the federal Freedom of Information Act or the Mississippi Public Records Act and shall not be released by the board unless subject to an order from a court of competent jurisdiction. The board shall destroy or delete or cause to be destroyed or deleted all such information thirty (30) days after the board determines that the information is no longer necessary or useful.

(b) Any person who knowingly releases, causes to be released or assists in the release of any such information shall be subject to a monetary penalty imposed by the board in an amount

not exceeding Fifty Thousand Dollars ($50,000.00) per violation. When the board is considering the imposition of any penalty under this paragraph (b), it shall follow the same policies and procedures provided for the imposition of other sanctions in the Pharmacy Practice Act. Any penalty collected under this paragraph (b) shall be deposited into the special fund of the board and used to support the operations of the board relating to the regulation of pharmacy benefit managers.

(c) All employees of the board who have access to the information described in paragraph (a) of this subsection shall be fingerprinted, and the board shall submit a set of fingerprints for each employee to the Department of Public Safety for the purpose of conducting a criminal history records check. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check.

( * * *5) If the pharmacy benefit manager is audited annually by an independent certified public accountant, a copy of the certified audit report shall be filed annually with the board by June 30 or within thirty (30) days of the report being final.

( * * *6) The board may extend the time prescribed for any pharmacy benefit manager for filing annual statements or other reports or exhibits of any kind for good cause shown. However, the board shall not extend the time for filing annual statements

beyond sixty (60) days after the time prescribed by subsection (1) of this section. The board may waive the requirements for filing financial information for the pharmacy benefit manager if an affiliate of the pharmacy benefit manager is already required to file such information under current law with the Commissioner of Insurance and allow the pharmacy benefit manager to file a copy of documents containing such information with the board in lieu of the statement required by this section.

( * * *7) The expense of administering this section shall be assessed annually by the board against all pharmacy benefit managers operating in this state.

(8) A pharmacy benefit manager or third-party payor may not require pharmacy accreditation standards or recertification requirements inconsistent with, more stringent than, or in addition to federal and state requirements for licensure as a pharmacy in this state.

**SECTION 6.** Section 73-21-159, Mississippi Code of 1972, is amended as follows:

73-21-159. (1) In lieu of or in addition to making its own financial examination of a pharmacy benefit manager, the board may accept the report of a financial examination of other persons responsible for the pharmacy benefit manager under the laws of another state certified by the applicable official of such other state.

(2) The board shall coordinate financial examinations of a pharmacy benefit manager that provides pharmacy management benefit plans in this state to ensure an appropriate level of regulatory oversight and to avoid any undue duplication of effort or regulation. The pharmacy benefit manager being examined shall pay the cost of the examination. The cost of the examination shall be deposited in a special fund that shall provide all expenses for the licensing, supervision and examination of all pharmacy benefit managers subject to regulation under Sections 73-21-71 through 73-21-129 and Sections 73-21-151 through 73-21- * * *163.

(3) The board may provide a copy of the financial examination to the person or entity who provides or operates the health insurance plan or to a pharmacist or pharmacy.

(4) The board is authorized to hire independent financial consultants to conduct financial examinations of a pharmacy benefit manager and to expend funds collected under this section to pay the costs of such examinations.

**SECTION 7.** The following shall be codified as Section 73-21-161, Mississippi Code of 1972:

73-21-161. (1) As used in this section, the term "referral" means:

(a) Ordering of a patient to a pharmacy by a pharmacy benefit manager affiliate either orally or in writing, including online messaging;

(b) Offering or implementing plan designs that require patients to use affiliated pharmacies; or

(c) Patient or prospective patient specific advertising, marketing, or promotion of a pharmacy by an affiliate.

The term "referral" does not include a pharmacy's inclusion by a pharmacy benefit manager affiliate in communications to patients, including patient and prospective patient specific communications, regarding network pharmacies and prices, provided that the affiliate includes information regarding eligible nonaffiliate pharmacies in those communications and the information provided is accurate.

(2) A pharmacy, pharmacy benefit manager, or pharmacy benefit manager affiliate licensed or operating in Mississippi shall be prohibited from:

(a) Making referrals;

(b) Transferring or sharing records relative to prescription information containing patient identifiable and prescriber identifiable data to or from a pharmacy benefit manager affiliate for any commercial purpose; however, nothing in this section shall be construed to prohibit the exchange of prescription information between a pharmacy and its affiliate for the limited purposes of pharmacy reimbursement; formulary compliance; pharmacy care; public health activities otherwise

authorized by law; or utilization review by a health care provider; or

(c) Presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate.

(3) This section shall not be construed to prohibit a pharmacy from entering into an agreement with a pharmacy benefit manager affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (2) of this section and the pharmacy provides the disclosures required in subsection (1) of this section.

(4) If a pharmacy licensed or holding a nonresident pharmacy permit in this state has an affiliate, it shall annually file with the board a disclosure statement identifying all such affiliates.

(5) In addition to any other remedy provided by law, a violation of this section by a pharmacy shall be grounds for disciplinary action by the board under its authority granted in this chapter.

(6) A pharmacist who fills a prescription that violates subsection (2) of this section shall not be liable under this section.

**SECTION 8.** The following shall be codified as Section 73-21-163, Mississippi Code of 1972:

73-21-163. Whenever the board has reason to believe that a pharmacy benefit manager or pharmacy benefit manager affiliate is

using, has used, or is about to use any method, act or practice prohibited in Sections 73-21-151 through 73-21-163 and that proceedings would be in the public interest, it may bring an action in the name of the board against the pharmacy benefit manager or pharmacy benefit manager affiliate to restrain by temporary or permanent injunction the use of such method, act or practice. The action shall be brought in the Chancery Court of the First Judicial District of Hinds County, Mississippi. The court is authorized to issue temporary or permanent injunctions to restrain and prevent violations of Sections 73-21-151 through 73-21-163 and such injunctions shall be issued without bond.

(2) The board may impose a monetary penalty on a pharmacy benefit manager or a pharmacy benefit manager affiliate for noncompliance with the provisions of the Sections 73-21-151 through 73-21-163, in amounts of not less than One Thousand Dollars ($1,000.00) per violation and not more than Twenty-five Thousand Dollars ($25,000.00) per violation. Each day a violation continues for the same brand or generic product identifier or brand or generic code number is a separate violation. The board shall prepare a record entered upon its minutes that states the basic facts upon which the monetary penalty was imposed. Any penalty collected under this subsection (2) shall be deposited into the special fund of the board.

(3) The board may assess a monetary penalty for those reasonable costs that are expended by the board in the

investigation and conduct of a proceeding if the board imposes a monetary penalty under subsection (2) of this section. A monetary penalty assessed and levied under this section shall be paid to the board by the licensee, registrant or permit holder upon the expiration of the period allowed for appeal of those penalties under Section 73-21-101, or may be paid sooner if the licensee, registrant or permit holder elects. Any penalty collected by the board under this subsection (3) shall be deposited into the special fund of the board.

(4) When payment of a monetary penalty assessed and levied by the board against a licensee, registrant or permit holder in accordance with this section is not paid by the licensee, registrant or permit holder when due under this section, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, registrant or permit holder, or if the licensee, registrant or permit holder is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi. When those proceedings are instituted, the board shall certify the record of its proceedings, together with all documents and evidence, to the chancery court and the matter shall be heard in due course by the court, which shall review the record and make its determination thereon in accordance with the

provisions of Section 73-21-101. The hearing on the matter may, in the discretion of the chancellor, be tried in vacation.

(5) The board shall develop and implement a uniform penalty policy that sets the minimum and maximum penalty for any given violation of Sections 73-21-151 through 73-21-163. The board shall adhere to its uniform penalty policy except in those cases where the board specifically finds, by majority vote, that a penalty in excess of, or less than, the uniform penalty is appropriate. That vote shall be reflected in the minutes of the board and shall not be imposed unless it appears as having been adopted by the board.

**SECTION 9.** This act shall take effect and be in force from and after January 1, 2021.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 751

**Description:** Mississippi Employer-Assisted Housing Teacher Program; remove requirement that the Department of Education administer with the FNMA.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/10 | (H) Referred To Education |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/05 | (H) Passed {Vote} |
| 4 | 03/06 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Education |
| 6 | 05/28 | (S) Title Suff Do Pass |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 751

**Code Section:** A 037-0159-0011

**----- Additional Information -----**

***House Committee:*** Education
***Senate Committee:*** Education

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 37-159-11, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2508, 2020 REGULAR SESSION, TO REMOVE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION ADMINISTER THE MISSISSIPPI EMPLOYER ASSISTED HOUSING TEACHER

PROGRAM IN CONJUNCTION WITH THE FEDERAL NATIONAL MORTGAGE ASSOCIATION; TO EXTEND THE DATE OF THE REPEALER ON THIS SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Education

HOUSE BILL NO. 751
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-159-11, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2508, 2020 REGULAR SESSION, TO REMOVE REQUIREMENT THAT THE STATE DEPARTMENT OF EDUCATION ADMINISTER THE MISSISSIPPI EMPLOYER ASSISTED HOUSING TEACHER PROGRAM IN CONJUNCTION WITH THE FEDERAL NATIONAL MORTGAGE ASSOCIATION; TO EXTEND THE DATE OF THE REPEALER ON THIS SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-159-11, Mississippi Code of 1972, as amended by Senate Bill No. 2508, 2020 Regular Session, is amended as follows:

37-159-11. (1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service to the state in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education * * *. The department may contract with one or more public or private entities to provide assistance in implementing and administering

the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars ($6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for one-third (1/3) of the amount of the loan. Any person who does not render three (3) years' service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be liable to the State Department of Education for one-third (1/3) of the amount of the loan for each year that he does not render such service, plus interest accruing at the current Stafford Loan rate

at the time the person discontinues his service. If a claim for repayment under this subsection is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) All funds received by the State Department of Education as repayment of loans by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

* * *

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 773

**Description:** Commercial Lines Modernization Act; enact.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/10 | (H) Referred To Insurance |
| 2 | 02/18 | (H) Title Suff Do Pass |
| 3 | 02/19 | (H) Passed {Vote} |
| 4 | 02/20 | (H) Transmitted To Senate |
| 5 | 03/09 | (S) Referred To Insurance |
| 6 | 06/03 | (S) Title Suff Do Pass As Amended |
| 7 | 06/11 | (S) Amended |
| 8 | 06/11 | (S) Passed As Amended {Vote} |
| 9 | 06/15 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/18 | (H) Conferees Named Ford (54th),Deweese,Steverson |
| 12 | 06/18 | (S) Conferees Named Michel,Kirby,Boyd |
| 13 | 06/24 | (S) Conference Report Filed |
| 14 | 06/24 | (H) Conference Report Filed |
| 15 | 06/25 | (H) Conference Report Adopted {Vote} |
| 16 | 06/25 | (S) Conference Report Adopted {Vote} |
| 17 | 06/30 | (H) Enrolled Bill Signed |
| 18 | 06/30 | (S) Enrolled Bill Signed |
| 19 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 773

Conference Reports:
Conference Report

**Code Section:** A 083-0002-0007, A 083-0002-0003, A 045-0045-0027

**----- Additional Information -----**

***House Committee:*** Insurance
***Senate Committee:*** Insurance

***Principal Author:*** Ford (54th)

***Title:*** AN ACT TO AMEND SECTION 83-2-7, MISSISSIPPI CODE OF 1972, TO ENACT THE COMMERCIAL LINES MODERNIZATION ACT; TO PROVIDE THAT RATES, SUPPLEMENTARY RATE INFORMATION, POLICY FORMS AND ENDORSEMENTS FOR CERTAIN COMMERCIAL LINES INSURANCE COVERAGES SHALL BE EXEMPT FROM FILING AND APPROVAL REQUIREMENTS; TO AMEND SECTION 83-2-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES AND REGULATIONS TO ESTABLISH THE CRITERIA AND PROCEDURES FOR DETERMINING WHEN A RATE FILING SHOULD BE SUBMITTED TO AN ACTUARY FOR REVIEW; TO AMEND SECTION 45-45-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OWNER OF AN ELEVATOR THAT SERVES ONLY TWO ADJACENT FLOORS MAY REQUEST AN EXEMPTION FROM THE ANNUAL INSPECTION REQUIREMENT UNDER THE MISSISSIPPI CONVEYANCE SAFETY ACT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF INSURANCE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Ford (54th) To: Insurance

HOUSE BILL NO. 773
(As Sent to Governor)

AN ACT TO AMEND SECTION 83-2-7, MISSISSIPPI CODE OF 1972, TO ENACT THE COMMERCIAL LINES MODERNIZATION ACT; TO PROVIDE THAT RATES, SUPPLEMENTARY RATE INFORMATION, POLICY FORMS AND ENDORSEMENTS FOR CERTAIN COMMERCIAL LINES INSURANCE COVERAGES SHALL BE EXEMPT FROM FILING AND APPROVAL REQUIREMENTS; TO AMEND SECTION 83-2-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES AND REGULATIONS TO ESTABLISH THE CRITERIA AND PROCEDURES FOR DETERMINING WHEN A RATE FILING SHOULD BE SUBMITTED TO AN ACTUARY FOR REVIEW; TO AMEND SECTION 45-45-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OWNER OF AN ELEVATOR THAT SERVES ONLY TWO ADJACENT FLOORS MAY REQUEST AN EXEMPTION FROM THE ANNUAL INSPECTION REQUIREMENT UNDER THE MISSISSIPPI CONVEYANCE SAFETY ACT PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF INSURANCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 83-2-7, Mississippi Code of 1972, is amended as follows:

83-2-7. (1) Except as provided in Section 83-2-9 and subsections (2) * * *, (3) and (5) of this section, every insurer shall file with the commissioner all rates, supplementary rate information, policy forms and endorsements at least thirty (30) days prior to the proposed effective date which shall be stated in the filing. Rates, supplementary rate information, policy forms

and endorsements need not be filed for inland marine risks which by general custom of the business are not written according to manual rules or rating plans. Upon the request of the commissioner, supporting information shall also be filed. Any filing made under this section is deemed to be approved unless disapproved by the Commissioner of Insurance within thirty (30) days after the date of filing.

(2) A filing of adjustments of rates for existing rating systems made under this section which does not involve a change in the relationship between such rates and the expense portion thereof or does not involve a change of the element of expenses which are paid as a percentage of premiums and does not involve a change in rate relativities among such classifications on any basis other than loss experience is effective on the date specified in the filing which shall not be less than thirty (30) days after the filing is made and shall be deemed to meet the requirements of this chapter.

(3) The commissioner may give written notice within thirty (30) days of the receipt of the filing that additional time, not to exceed sixty (60) days from the date of such notice, is necessary to consider the filing. A filing is deemed to meet the requirements of this chapter and becomes effective unless disapproved by the commissioner before the expiration of the waiting period or an extension thereof. Whenever a filing made under this section is not accompanied by sufficient supporting

information, the commissioner shall inform the filing entity as to what information is required to complete the filing. The filing shall not be deemed to be completed until such information is furnished.

(4) No insurance company shall make or issue a contract or policy except in accordance with filings made with the commissioner, if such filings are required.

(5) Subject to the provisions of subsections (6), (7) and (8) of this section, rates and supplementary rate information for the following commercial lines insurance coverages shall be exempt from filing and approval requirements. However, the rates shall remain subject to the standards set forth in Section 83-2-3. Policy forms and endorsements for the following commercial lines insurance coverages must be filed with the commissioner within sixty (60) days of use for informational purposes only:

(a) Surety and Fidelity;

(b) Boiler and Machinery;

(c) Environmental Impairment or Pollution Liability;

(d) Kidnap and Ransom;

(e) Political Risk or Expropriation;

(f) Excess and Umbrella Liability;

(g) Employment Practices Liability;

(h) Media Liability;

(i) Product Liability, Product Recall, and Completed Operations;

(j) Highly Protected Commercial Property; and

(k) Any other commercial lines insurance coverage or risk that the commissioner shall, pursuant to regulation, exempt from rate, rate supplementary information, or policy form filing requirements in order to promote enhanced competition or to more effectively use the resources of the department that might otherwise be used to review commercial lines filings.

(6) If a commercial lines insurance rate, policy form or endorsement is determined not to comply with the requirements of Mississippi law, the commissioner may issue an order specifying in detail how the rate, policy form, or endorsement fails to meet statutory requirements and further specifying a prospective date after which the rate or form may not be used. The commissioner's findings shall not affect policies in force prior to the date specified in the order. As part of such an order, the commissioner may require the insurer subject to the order to submit a filing for approval by the commissioner of a new rate or policy form, if any, that will replace the discontinued rate or policy form.

(7) The commissioner may temporarily reinstate, for a period of no longer than one (1) year, the filing and approval requirements for rate, rate supplementary information, or policy form for a specific type of commercial lines insurance if, after a hearing, the commissioner makes a finding of fact that a reasonable degree of competition does not exist for that specific

type of insurance coverage. Such a finding of fact by the commissioner must specify the relevant tests used to determine whether a lack of a reasonable degree of competition exists and the results thereof. In the absence of such specific findings of fact by the commissioner, it shall be presumed that a competitive market exists.

(8) For purposes of this section, commercial lines insurance means property and casualty insurance for any risk that is not a personal or family risk, but shall not include workers' compensation, medical malpractice liability, creditor-placed insurance or any insurance issued by residual market mechanisms or assigned risk plans.

**SECTION 2.** Section 83-2-3, Mississippi Code of 1972, is amended as follows:

83-2-3. (1) Rates shall comply with the following standards:

(a) Rates shall not be excessive, inadequate or unfairly discriminatory.

(b) A rate is excessive if it is likely to produce a profit that is unreasonably high for the insurance provided or if the expense provision included therein is unreasonably high in relation to the services rendered.

(c) A rate is inadequate if it threatens the solvency of the insurance company or tends to create a monopoly.

(d) Unfair discrimination exists if, after allowing for practical limitations, price differentials fail to reflect equitably the differences in expected losses and expenses. A rate is not unfairly discriminatory because different premiums result for policyholders with like loss exposures with different expenses, or like expenses but different loss exposures, so long as the rate reflects the differences with reasonable accuracy.

(2) In determining whether rates comply with the standards set forth in subsection (1), the following criteria shall apply:

(a) Due consideration shall be given to past and prospective loss and expense experience within and outside this state; to catastrophe hazards; to any residual market loss redistributions and other similar obligations; to a reasonable provision for profit and contingencies; to trends within and outside this state; to loadings for leveling premium rates over a reasonable period of time or for dividends or savings to be allowed or returned by insurers to their policyholders, members or subscribers; and to all other relevant factors, including the judgment of the filer.

(b) Risks may be classified in any reasonable way for the establishment of rates except that no risks may be grouped by classifications based, in whole or in part, on race, color, creed, or national origin of the risk. Rates may be modified for individual risks in accordance with rating plans or schedules

which provide for recognition of probable variations in hazards, expenses or both.

(c) The systems of expense provisions included in rates for use by an insurer or group of insurers may differ from those of other insurers or group of insurers to reflect the operating methods of such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof.

(d) Any homeowners' insurance policy filed with the Commissioner of Insurance that offers a percentage deductible for the peril of windstorm from a named storm shall offer a buy-back provision for that deductible which is actuarially sound; however, the Commissioner of Insurance may grant a waiver from the mandatory buy-back provision in accordance with the following procedure and criteria:

(i) An insurance company shall make a formal filing requesting a waiver from the buy-back provision requirement with the Commissioner of Insurance.

(ii) An insurance company shall submit written proof in its formal filing as to why it is in the best interest of Mississippi policyholders to receive a waiver from the buy-back provision requirement and shall provide any supporting documentation requested by the commissioner deemed appropriate to make his decision.

(iii) All expenses incurred by the Commissioner of Insurance or his designee in determining the validity of the waiver request shall be borne by the petitioning insurer. Such expenses may include, but not be limited to, the cost of reviewing the filing by actuaries, and if the commissioner deems a public hearing appropriate, the cost of a facility, the cost of publicity and the cost of a court reporter for the hearing.

(e) The commissioner shall establish by regulation uniform policy language regarding the applicability of hurricane deductibles and the form of notice to be provided to an insured under a homeowner's insurance policy by an insurer utilizing a hurricane deductible program or programs. The term "hurricane," for the purpose of a hurricane deductible program, means a storm system that has been declared to be a hurricane by the National Hurricane Center of the National Weather Service. The duration of the hurricane includes the time period, in Mississippi:

(i) Beginning at the time a hurricane watch or hurricane warning is issued for any part of Mississippi by the National Hurricane Center of the National Weather Service;

(ii) Continuing for the time period during which the hurricane conditions exist anywhere in Mississippi; and

(iii) Ending twenty-four (24) hours following the termination of the last hurricane watch or hurricane warning issued for any part of Mississippi by the National Hurricane Center of the National Weather Service.

(3) To ensure the most appropriate use of state resources with respect to the engagement of actuarial services for the review of rate filings under this chapter, the commissioner may adopt rules and regulations to establish the criteria and procedures for determining when a rate filing should be submitted to an actuary for review.

**SECTION 3.** Section 45-45-27, Mississippi Code of 1972, is amended as follows:

45-45-27. (1) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually (ASME A17.1/CSA B44, category one) by a licensed elevator inspector who shall supply the property owner or lessee and the licensing authority with a written inspection report that describes any and all code violations. However, if the conveyance is an elevator that serves only two (2) adjacent floors, the owner may request an exemption from the annual inspection requirement pursuant to rules and regulations promulgated by the commissioner governing said exemption. Property owners shall have thirty (30) days from the date of the published inspection report to be in full compliance with correcting the violations.

(2) (a) It shall be the responsibility of the owner of all conveyances to hire an elevator contractor or a limited elevator contractor to supervise the required tests at intervals in

compliance with the ASME A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21.

(b) All tests shall be performed by a licensed elevator mechanic.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 811

**Description:** Traffic accidents; require to move vehicle to certain locations in certain situations on a highway.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/13 | (H) Referred To Transportation |
| 2 | 02/26 | (H) Title Suff Do Pass Comm Sub |
| 3 | 03/05 | (H) Committee Substitute Adopted |
| 4 | 03/05 | (H) Passed {Vote} |
| 5 | 03/09 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Judiciary, Division A |
| 7 | 06/04 | (S) Title Suff Do Pass As Amended |
| 8 | 06/11 | (S) Amended |
| 9 | 06/11 | (S) Passed As Amended {Vote} |
| 10 | 06/12 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/22 | (H) Enrolled Bill Signed |
| 13 | 06/23 | (S) Enrolled Bill Signed |
| 14 | 06/29 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 811

**----- Additional Information -----**

***House Committee:*** Transportation
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Newman
***Additional Authors:*** Anderson (122nd), Hale, Kinkade, Shanks, Wallace, Weathersby, Faulkner, Foster

***Title:*** AN ACT TO REQUIRE THE OPERATOR OF A MOTOR VEHICLE IN AN ACCIDENT WITHOUT SERIOUS INJURY OR DEATH ON A HIGHWAY IN THIS STATE THAT IS CAPABLE OF SAFELY MOVING THE VEHICLE SHALL DO SO

BY MOVING THE VEHICLE TO A DESIGNATED ACCIDENT INVESTIGATION SITE, A LOCATION ON THE FRONTAGE ROAD, THE NEAREST SUITABLE CROSS-STREET OR OTHER SUITABLE LOCATION; TO MAKE A VIOLATION OF THIS SECTION PUNISHABLE AS A TRAFFIC OFFENSE BEGINNING ON JULY 1, 2021; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Newman, Anderson (122nd), Hale, Kinkade, Shanks, Wallace, Weathersby, Faulkner, Foster

To: Transportation

HOUSE BILL NO. 811
(As Sent to Governor)

AN ACT TO REQUIRE THE OPERATOR OF A MOTOR VEHICLE IN AN ACCIDENT WITHOUT SERIOUS INJURY OR DEATH ON A HIGHWAY IN THIS STATE THAT IS CAPABLE OF SAFELY MOVING THE VEHICLE SHALL DO SO BY MOVING THE VEHICLE TO A DESIGNATED ACCIDENT INVESTIGATION SITE, A LOCATION ON THE FRONTAGE ROAD, THE NEAREST SUITABLE CROSS-STREET OR OTHER SUITABLE LOCATION; TO MAKE A VIOLATION OF THIS SECTION PUNISHABLE AS A TRAFFIC OFFENSE BEGINNING ON JULY 1, 2021; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) If a traffic accident occurs without serious injury or death on a main lane, ramp, shoulder, median, or adjacent area of a highway in this state and each vehicle involved can be normally and safely driven, each operator shall move the operator's vehicle as soon as possible to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross-street, or other suitable location to complete the other requirements under the law and minimize interference with highway traffic.

(2) Under this section, a vehicle can be normally and safely driven only if the operator is capable of safely operating the vehicle to move it and only if the vehicle:

(a) Does not require towing; and

(b) Can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway.

(3) For purposes of this section, "serious injury" means an injury that results in the need of an ambulance or other emergency medical transportation being called to the scene of the accident.

(4) Beginning on July 1, 2021, a person who does not comply with the requirements of this section shall be punished in accordance with Section 63-9-11.

(5) The Mississippi Department of Transportation shall determine and erect appropriate signs in appropriate locations throughout the state to inform the public about the new state law provided for in this section.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 824

**Description:** Election commissioners; authorize per diem for primary and runoff election days and provide for pandemic pay for election commissioners and poll managers.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/13 | (H) Referred To Apportionment and Elections |
| 2 | 02/20 | (H) Title Suff Do Pass |
| 3 | 03/04 | (H) Passed {Vote} |
| 4 | 03/05 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Elections |
| 6 | 06/08 | (S) Title Suff Do Pass As Amended |
| 7 | 06/15 | (S) Amended |
| 8 | 06/15 | (S) Passed As Amended {Vote} |
| 9 | 06/16 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/22 | (H) Conferees Named Beckett,Eubanks,Reynolds |
| 12 | 06/22 | (S) Conferees Named Branning,Tate,Blackwell |
| 13 | 06/27 | (S) Conference Report Filed |
| 14 | 06/27 | (H) Conference Report Filed |
| 15 | 06/28 | (H) Conference Report Adopted {Vote} |
| 16 | 06/29 | (S) Conference Report Adopted {Vote} |
| 17 | 07/01 | (H) Enrolled Bill Signed |
| 18 | 07/02 | (S) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 824

Conference Reports:

| Conference Report

**Code Section:** A 023-0015-0153, A 023-0015-0227, A 023-0015-0229

**----- Additional Information -----**

***House Committee:*** Apportionment and Elections
***Senate Committee:*** Elections

***Principal Author:*** Beckett

***Title:*** AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PER DIEM IN THE AMOUNT OF $150.00 TO ELECTION COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES ON THE DAY OF ANY PRIMARY OR RUNOFF ELECTION IN ADDITION TO ANY GENERAL OR SPECIAL ELECTION AND TO AUTHORIZE AN ADDITIONAL PER DIEM FOR ELECTION COMMISSIONERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY; TO AMEND SECTIONS 23-15-227 AND 23-15-229, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL PER DIEM FOR COUNTY AND MUNICIPAL POLL MANAGERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE NECESSARY REGULATIONS TO ENSURE THE SAFETY OF POLL WORKERS AND ELECTORS DURING A COVID-19 EMERGENCY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Beckett

To: Apportionment and Elections

HOUSE BILL NO. 824
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PER DIEM IN THE AMOUNT OF $150.00 TO ELECTION COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES ON THE DAY OF ANY PRIMARY OR RUNOFF ELECTION IN ADDITION TO ANY GENERAL OR SPECIAL ELECTION AND TO AUTHORIZE AN ADDITIONAL PER DIEM FOR ELECTION COMMISSIONERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY; TO AMEND SECTIONS 23-15-227 AND 23-15-229, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL PER DIEM FOR COUNTY AND MUNICIPAL POLL MANAGERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE NECESSARY REGULATIONS TO ENSURE THE SAFETY OF POLL WORKERS AND ELECTORS DURING A COVID-19 EMERGENCY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is amended as follows:

23-15-153. (1) At least during the following times, the election commissioners shall meet at the office of the registrar or the office of the election commissioners to carefully revise the county voter roll as electronically maintained by the Statewide Elections Management System and remove from the roll the names of all voters who have requested to be purged from the voter roll, died, received an adjudication of non compos mentis, been

convicted of a disenfranchising crime, or otherwise become disqualified as electors for any cause, and shall register the names of all persons who have duly applied to be registered but have been illegally denied registration:

(a) On the Tuesday after the second Monday in January 1987 and every following year;

(b) On the first Tuesday in the month immediately preceding the first primary election for members of Congress in the years when members of Congress are elected;

(c) On the first Monday in the month immediately preceding the first primary election for state, state district legislative, county and county district offices in the years in which those offices are elected; and

(d) On the second Monday of September preceding the general election or regular special election day in years in which a general election is not conducted.

Except for the names of those voters who are duly qualified to vote in the election, no name shall be permitted to remain in the Statewide Elections Management System; however, no name shall be purged from the Statewide Elections Management System based on a change in the residence of an elector except in accordance with procedures provided for by the National Voter Registration Act of 1993. Except as otherwise provided by Section 23-15-573, no person shall vote at any election whose name is not in the county

voter roll electronically maintained by the Statewide Elections Management System.

(2) Except as provided in this section, and subject to the following annual limitations, the election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section:

(a) In counties having less than fifteen thousand (15,000) residents according to the latest federal decennial census, not more than fifty (50) days per year, with no more than fifteen (15) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but less than thirty thousand (30,000) residents according to the latest federal decennial census, not more than seventy-five (75) days per year, with no more than twenty-five (25) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than one hundred (100) days per year, with no more than thirty-five (35) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(d) In counties having seventy thousand (70,000) residents according to the latest federal decennial census but less than ninety thousand (90,000) residents according to the latest federal decennial census, not more than one hundred twenty-five (125) days per year, with no more than forty-five (45) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents according to the latest federal decennial census, not more than one hundred fifty (150) days per year, with no more than fifty-five (55) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(f) In counties having one hundred seventy thousand (170,000) residents according to the latest federal decennial census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than

one hundred seventy-five (175) days per year, with no more than sixty-five (65) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the election commissioners to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section, * * * not to exceed five (5) days.

(4) (a) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the

revision of the county voter roll as electronically maintained by the Statewide Elections Management System before any special election. For purposes of this paragraph, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this paragraph.

(b) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Fifty Dollars ($150.00), to be paid from the county general fund, for the performance of their duties on the day of any primary, runoff, general or special election. The annual limitations set forth in subsection (2) of this section shall apply to this paragraph.

(c) The board of supervisors may, in its discretion, pay the election commissioners an additional amount not to exceed Fifty Dollars ($50.00) for the performance of their duties at any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such compensation shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

(5) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the

performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System and in the conduct of a runoff election following either a general or special election.

(6) The election commissioners shall be entitled to receive only one (1) per diem payment for those days when the election commissioners discharge more than one (1) duty or responsibility on the same day.

(7) In preparation for a municipal primary, runoff, general or special election, the county registrar shall generate and distribute the master voter roll and pollbooks from the Statewide Elections Management System for the municipality located within the county. The municipality shall pay the county registrar for the actual cost of preparing and printing the municipal master voter roll pollbooks. A municipality may secure "read only" access to the Statewide Elections Management System and print its own pollbooks using this information.

(8) County election commissioners who perform the duties of an executive committee with regard to the conduct of a primary election under a written agreement authorized by law to be entered into with an executive committee shall receive per diem as provided for in subsection (2) of this section. The days that county election commissioners are employed in the conduct of a primary election shall be treated the same as days county election commissioners are employed in the conduct of other elections.

(9) In addition to any per diem authorized by this section, any election commissioner shall be entitled to the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel on election day.

(10) Every election commissioner shall sign personally a certification setting forth the number of hours actually worked in the performance of the commissioner's official duties and for which the commissioner seeks compensation. The certification must be on a form as prescribed in this subsection. The commissioner's signature is, as a matter of law, made under the commissioner's oath of office and under penalties of perjury.

The certification form shall be as follows:

**COUNTY ELECTION COMMISSIONER**

**PER DIEM CLAIM FORM**

NAME: _____ COUNTY: _____

ADDRESS: _____ DISTRICT: _____

CITY: _____ ZIP: _____

| DATE WORKED | BEGINNING TIME | ENDING TIME | PURPOSE OF WORK | APPLICABLE MS CODE SECTION | ACTUAL HOURS WORKED | PER DIEM DAYS EARNED |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

TOTAL NUMBER OF PER DIEM DAYS EARNED

EXCLUDING ELECTION DAYS _____

PER DIEM RATE PER DAY EARNED X $100.00

TOTAL NUMBER PER DIEM DAYS EARNED

FOR ELECTION DAYS _____

PER DIEM RATE PER DAY EARNED X $150.00

TOTAL AMOUNT OF PER DIEM CLAIMED $_____

I understand that I am signing this document under my oath as an election commissioner and under penalties of perjury.

I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.

Signed this the _____ day of _____, ____.

_____

Commissioner's Signature

When properly completed and signed, the certification must be filed with the clerk of the county board of supervisors before any payment may be made. The certification will be a public record available for inspection and reproduction immediately upon the oral or written request of any person.

Any person may contest the accuracy of the certification in any respect by notifying the chair of the commission, any member of the board of supervisors or the clerk of the board of supervisors of the contest at any time before or after payment is made. If the contest is made before payment is made, no payment shall be made as to the contested certificate until the contest is finally disposed of. The person filing the contest shall be

entitled to a full hearing, and the clerk of the board of supervisors shall issue subpoenas upon request of the contestor compelling the attendance of witnesses and production of documents and things. The contestor shall have the right to appeal de novo to the circuit court of the involved county, which appeal must be perfected within thirty (30) days from a final decision of the commission, the clerk of the board of supervisors or the board of supervisors, as the case may be.

Any contestor who successfully contests any certification will be awarded all expenses incident to his or her contest, together with reasonable attorney's fees, which will be awarded upon petition to the chancery court of the involved county upon final disposition of the contest before the election commission, board of supervisors, clerk of the board of supervisors, or, in case of an appeal, final disposition by the court. The commissioner against whom the contest is decided shall be liable for the payment of the expenses and attorney's fees, and the county shall be jointly and severally liable for same.

(11) Any election commissioner who has not received a certificate issued by the Secretary of State pursuant to Section 23-15-211 indicating that the election commissioner has received the required elections seminar instruction and that the election commissioner is fully qualified to conduct an election, shall not receive any compensation authorized by this section or Section 23-15-239.

**SECTION 2.** Section 23-15-227, Mississippi Code of 1972, is amended as follows:

23-15-227. (1) The poll managers shall be each entitled to Seventy-five Dollars ($75.00) for each election; however, the board of supervisors may, in its discretion, pay the poll managers an additional amount not to exceed Fifty Dollars ($50.00) per election.

(2) The board of supervisors may, in its discretion, pay the poll managers an additional amount not to exceed Fifty Dollars ($50.00) per any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay.

( * * *3) The poll manager who shall carry to the place of voting, away from the courthouse, the official ballots, ballot boxes, pollbooks and other necessities, shall be allowed Ten Dollars ($10.00) for each voting precinct for so doing. The poll manager who acts as returning officer shall be allowed Ten Dollars ($10.00) for each voting precinct for that service. If a person who performs the duties described in this subsection uses a privately owned motor vehicle to perform them, he or she shall receive for each mile actually and necessarily traveled in excess of ten (10) miles, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.

( * * *4) The compensation authorized in this section shall be allowed by the board of supervisors, and shall be payable out of the county treasury; provided, however, that any compensation for additional pandemic pay due to a public health emergency may be payable from federal funds available for such purpose, or a combination of both county and federal funding sources.

( * * *5) The compensation provided in this section shall constitute payment in full for the services rendered by the persons named for any election, whether there be one (1) election or issue voted upon, or more than one (1) election or issue voted upon at the same time.

(6) The Secretary of State shall promulgate rules and regulations as are necessary to ensure the safety of poll managers, election commissioners, electors and their families at the voting precincts during a COVID-19 public health risk or other public health risk declared by the Governor where the appearance of such persons may result in exposure to such risk or the exposure of other persons to such risk.

**SECTION 3.** Section 23-15-229, Mississippi Code of 1972, is amended as follows:

23-15-229. The compensation for poll managers and other workers in the polling places of a municipality shall be the same as the compensation paid by the county for those services; provided, however, that the governing authorities of a municipality shall not be required to pay any additional

compensation authorized by the board of supervisors. The governing authorities of a municipality may, in their discretion, pay clerks and poll managers in the polling places of the municipality an additional amount of compensation not to exceed Fifty Dollars ($50.00) per election and may pay clerks and poll managers in the polling places of the municipality an additional amount of compensation not to exceed Fifty Dollars ($50.00) per any election which occurs from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such compensation shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 827

**Description:** Department of Marine Resources Chief Financial Officer; revise the qualifications for.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/13 | (H) Referred To Marine Resources |
| 2 | 02/26 | (H) Title Suff Do Pass |
| 3 | 03/10 | (H) Passed {Vote} |
| 4 | 03/11 | (H) Transmitted To Senate |
| 5 | 05/12 | (S) Referred To Ports and Marine Resources; Accountability, Efficiency, Transparency |
| 6 | 06/04 | (S) DR - TSDPAA: PI To AC |
| 7 | 06/08 | (S) Title Suff Do Pass As Amended |
| 8 | 06/11 | (S) Amended |
| 9 | 06/11 | (S) Passed As Amended {Vote} |
| 10 | 06/15 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/23 | (H) Enrolled Bill Signed |
| 13 | 06/24 | (S) Enrolled Bill Signed |
| 14 | 06/30 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 827

**Code Section:** A 049-0015-0011, A 049-0015-0301, A 049-0015-0303, A 049-0015-0304, A 049-0015-0305, A 049-0015-0307, A 049-0015-0015, A 049-0015-0025

**----- Additional Information -----**

***House Committee:*** Marine Resources
***Senate Committee:*** Ports and Marine Resources, Accountability, Efficiency, Transparency

***Principal Author:*** Ladner

**2020 GENERAL LAWS OF MISSISSIPPI HB 827**

***Title:*** AN ACT TO AMEND SECTION 49-15-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON WHO IS A CERTIFIED PUBLIC ACCOUNTANT QUALIFIES FOR THE CHIEF FINANCIAL OFFICER POSITION OF THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTIONS 49-15-301, 49-15-303, 49-15-304, 49-15-305, 49-15-307, 45-15-15 AND 49-15-25, MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE MISSISSIPPI COMMISSION ON MARINE RESOURCES AS THE MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES AND TO PRESCRIBE ITS POWERS AND DUTIES TO ADVISE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Ladner To: Marine Resources

HOUSE BILL NO. 827
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-15-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON WHO IS A CERTIFIED PUBLIC ACCOUNTANT QUALIFIES FOR THE CHIEF FINANCIAL OFFICER POSITION OF THE DEPARTMENT OF MARINE RESOURCES; TO AMEND SECTIONS 49-15-301, 49-15-303, 49-15-304, 49-15-305, 49-15-307, 45-15-15 AND 49-15-25, MISSISSIPPI CODE OF 1972, TO RECONSTITUTE THE MISSISSIPPI COMMISSION ON MARINE RESOURCES AS THE MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES AND TO PRESCRIBE ITS POWERS AND DUTIES TO ADVISE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AND IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-15-11, Mississippi Code of 1972, is amended as follows:

49-15-11. (1) The Mississippi Department of Marine Resources is hereby established and full power is vested in the department to manage, control, supervise, enforce and direct any matters pertaining to saltwater aquatic life and marine resources under the jurisdiction of the commission.

(2) The Executive Director of the Department of Marine Resources shall have the authority to internally reorganize the Department of Marine Resources. For a period of six (6) months after April 16, 2014, the personnel actions of the executive

director shall be exempt from State Personnel Board rules, regulations and procedures in order to give the executive director flexibility in making an orderly, effective and timely reorganization of the Department of Marine Resources.

(3) The department shall be composed of the following offices:

(a) Office of Coastal Resources Management;

(b) Office of Finance and Administration;

(c) Office of Marine Fisheries;

(d) Office of Marine Patrol; and

(e) Office of Coastal Restoration and Resiliency.

Each office shall be composed of the administrative units as set forth in the reorganization plan developed by the executive director.

(4) The following agency personnel shall be appointed by the executive director:

(a) Chief Financial Officer who shall have a minimum of a master's degree in business administration, accounting or related field and a minimum of five (5) years' experience in business management or accounting practice or who shall be a Certified Public Accountant.

(b) Chief of Marine Patrol who shall be a certified law enforcement officer with a minimum of ten (10) years of law enforcement experience.

(c) Chief Scientific Officer who shall have a minimum of a master's degree in coastal sciences or related field with a minimum of five (5) years of experience in coastal resource management or equivalent experience.

(5) The executive director shall have an annual audit of the department, including the accounts established in Section 49-15-17, performed by an independent certified public accountant and shall file the audit report with the commission, the Chairman of the Senate Ports and Marine Resources Committee, the Chairman of the House Marine Resources Committee, the State Auditor and the Legislative Budget Office.

(6) Whenever the terms "Mississippi Marine Conservation Commission," "Marine Conservation Commission," "Bureau of Marine Resources" and "Mississippi Marine Resources Council" appear in any state law, they shall mean the "Mississippi Advisory Commission on Marine Resources * * * ," which shall operate only as an advisory commission to the Department of Marine Resources.

**SECTION 2.** Section 49-15-301, Mississippi Code of 1972, is amended as follows:

49-15-301. (1) The Mississippi Advisory Commission on Marine Resources is hereby established and full power is vested in the advisory commission to * * * advise the Executive Director of the Department of Marine Resources on all matters pertaining to all saltwater aquatic life and marine resources. The advisory commission shall * * * advise the Executive Director of the

Department of Marine Resources on the administration of the Coastal Wetlands Protection Law and the Public Trust Tidelands Act. * * * Notwithstanding any other provision of law to the contrary, the commission shall only be * * * an advisory commission to the Department of Marine Resources and shall not have independent authority to take official action on behalf of the Mississippi Department of Marine Resources and its actions are purely advisory in nature. Whenever the terms "Mississippi Commission on Marine Resources," "Commission on Marine Resources" and "commission" when referring to the Mississippi Commission on Marine Resources appear in any state law, they shall mean the "Mississippi Advisory Commission on Marine Resources."

(2) * * * The reconstituted Mississippi Advisory Commission on Marine Resources shall consist of five (5) members to be appointed as follows:

(a) The Governor shall appoint five (5) members who shall be residents of Jackson, Harrison and Hancock Counties with the advice and consent of the Senate. The Governor shall appoint at least one (1) member from each county but not more than two (2) members from any one (1) county. The members designated in subparagraphs (i), (ii) and (iv) must be a resident of the county where the business he is appointed to represent is located.

(b) The advisory commission shall be composed as follows:

(i) One (1) member shall be a commercial seafood processor.

(ii) One (1) member shall be a commercial fisherman.

(iii) One (1) member shall be a recreational sports fisherman.

(iv) One (1) member shall be a charter boat operator.

(v) One (1) member shall be a member of an incorporated nonprofit environmental organization.

(c) Of the initial members appointed by the Governor, the members designated in subparagraphs (i),(ii) and (iii) shall serve for an initial term of two (2) years and one (1) member shall be appointed from each county. The members designated in subparagraphs (iv) and (v) shall serve an initial term of four (4) years. All terms after the initial terms shall be for a period of four (4) years.

(d) Any vacancy in the office of an appointed member of the advisory commission shall be filled by appointment by the Governor for the balance of the unexpired term.

(3) Each member shall have a demonstrated history of involvement in the matter of jurisdiction for which he is appointed to represent and his employment and activities must not conflict with the matter of jurisdiction represented. A member shall not have a record of conviction of violation of fish and

game or seafood laws or regulations within the five (5) years preceding his appointment or a record of any felony conviction. After July 1, 1999, if a member is convicted of a violation of the seafood laws during his term, his office shall be deemed vacant and the Governor shall fill the vacancy as provided in this section.

(4) The advisory commission shall elect a chairman who shall preside at all meetings of the commission, and the advisory commission shall also elect a vice chairman who shall serve in the absence or inability of the chairman.

(5) Each member shall be paid actual and necessary expenses incurred in attending meetings of the advisory commission and in performing his duties away from his domicile under assignment by the advisory commission. In addition, members shall receive the per diem authorized in Section 25-3-69 * * *.

(6) The advisory commission shall adopt rules and regulations governing times and places of meetings * * *. * * *

(7) The advisory commission shall not take any action * * * without the approval of the Department of Marine Resources, and such action shall be included in the minutes of the advisory commission. A majority of the members shall constitute a quorum of the advisory commission.

(8) The advisory commission * * * shall advise the Department of Marine Resources * * * on how to devise a plan to make licenses available in each coastal county.

(9) (a) There is hereby created a Marine Resources Technical Advisory Council composed of the Executive Director of the Gulf Coast Research Lab, or his designee; the Executive Director of the Department of Environmental Quality, or his designee; and the Executive Director of the Department of Wildlife, Fisheries and Parks, or his designee.

(b) The council shall give technical assistance to the * * * department.

(10) For purposes of this section the following definitions apply:

(a) "Charter boat operator" means an individual who operates a vessel for hire, guiding sports fishermen for a fee and is duly licensed to engage in such activity in the State of Mississippi.

(b) "Commercial fisherman" means a fisherman who sells, barters or exchanges any or all of his catch or who is paid for attempting to catch marine species, and is duly licensed to engage in commercial fishing.

(c) "Commercial seafood processor" means an individual who engages in the business of purchasing seafood products and preparing them for resale and who is duly licensed to engage in such commercial activity in the State of Mississippi.

(d) "Incorporated environmental nonprofit organization" means an organization duly incorporated in any state as a

nonprofit organization and whose stated goals and purposes are the conservation of natural resources.

(e) "Recreational sports fisherman" means an individual who catches or harvests marine species only for recreation or personal consumption and not for sale. The individual must possess a saltwater sports fishing license, be a member of an incorporated nonprofit sports fishing organization and not possess a commercial fishing or seafood processor license.

**SECTION 3.** Section 49-15-303, Mississippi Code of 1972, is amended as follows:

49-15-303. The advisory commission shall have the following powers and duties:

(a) To * * * advise the department regarding marine resources within the jurisdiction of the department;

(b) To * * * advise the executive director on whether to execute contracts, grants and cooperative agreements with any public or private institution, federal or state agency or any subdivision thereof to carry out the duties of the commission; and

(c) To advise the department on whether to adopt, amend or repeal any rules and regulations necessary for the operation of the * * * department necessary for the protection, conservation and propagation of seafood, and necessary for the management of commercial and recreational taking of seafood * * *.

* * *

**SECTION 4.** Section 49-15-304, Mississippi Code of 1972, is amended as follows:

49-15-304. The department, with the advice of the advisory commission, may adopt, modify or repeal rules or regulations to utilize, manage, conserve, preserve and protect the flora, fauna, tidelands, coastal wetlands, coastal preserves, marine waters and any other matter pertaining to marine resources under its jurisdiction. Rules and regulations adopted by the * * * department shall be consistent with the public policy expressed in Section 29-15-3 (public trust tidelands), Section 39-7-3 (antiquities and historic preservation), Section 49-15-1 (seafood), Section 49-17-3 (pollution control), Section 49-27-3 (coastal wetlands protection) and Section 57-15-6 (coastal zone management). The * * * department may make exceptions to and grant variances from any rules and regulations adopted by the * * * department. The * * * department shall give due consideration to permissable uses of the natural resources within its jurisdiction when promulgating rules and regulations.

**SECTION 5.** Section 49-15-305, Mississippi Code of 1972, is amended as follows:

49-15-305. *(1)* * * * *The Governor shall appoint the Executive Director* * * * of the Department of Marine Resources, *with the advice and consent of the Senate* * * *, who shall serve at the will and pleasure of the Governor. The executive director*

*shall be knowledgeable and experienced in marine resources management.*

(2) The executive director of the department shall have the following powers and duties:

(a) To supervise and direct all administrative, inspection and technical activities and personnel of the department;

(b) To employ qualified professional personnel in the subject matter or fields, and any other technical and clerical staff as may be required for the operation of the department;

(c) To coordinate all studies in the State of Mississippi concerned with the supply, development, use and conservation of marine resources;

(d) To prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at any other times as may be required by the Legislature or Governor, a full report of the work of the department, including a detailed statement of expenditures of the department and any recommendations the department may have;

(e) To enter into cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with studies and investigations pertaining to marine resources, provided the agreements do not have a financial cost in

excess of the amounts appropriated for the purposes by the Legislature; and

(f) To carry out all regulations and rules adopted by the * * * department and enforce all licenses and permits issued by the department.

**SECTION 6.** Section 49-15-307, Mississippi Code of 1972, is amended as follows:

49-15-307. The department shall have the following powers and duties:

(a) To implement the policy of the * * * department regarding marine resources within the jurisdiction of the department;

(b) To apply for, receive and expend any federal or state funds or contributions, gifts, devises, bequests or funds from any other source;

(c) To commission or conduct studies designed to determine alternative methods of managing and conserving the marine resources of this state in a manner to * * * ensure efficiency and sustained productivity;

(d) To issue permits and licenses authorized by law or regulation;

(e) To equip and supply check stations, remote duty stations and personnel for extended duty;

(f) To develop programs to enhance the marketing of the state's recreational and commercial marine resources;

(g) To provide gear, insignias, and otherwise equip personnel subject to the amount appropriated for those purposes; and

(h) To discharge any other duties, responsibilities and powers as are necessary to implement this chapter.

**SECTION 7.** Section 49-15-15, Mississippi Code of 1972, is amended as follows:

49-15-15. (1) In addition to any other powers and duties authorized by law, the department, with the advice of the advisory commission, shall have the following powers and duties regarding the regulation of seafood:

(a) To exercise full jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood, including cultivated seafood;

(b) To adopt, promulgate, amend or repeal, after due notice and public hearing, in accordance with the Mississippi Administrative Procedures Law and subject to the limitations in subsection (2) of this section, rules and regulations authorized under this chapter, including, but not limited to, rules and regulations necessary for the protection, conservation or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi and for the regulation of gill net and purse seine fishermen. All public hearings under this chapter concerning the regulation of marine resources shall be held in Hancock, Harrison or Jackson Counties. Each rule or

regulation promulgated under this chapter shall immediately be advertised one (1) time in a newspaper or newspapers having general circulation in counties affected by that regulation. A regulation shall become effective at 6:00 a.m. on the day after its publication;

(c) To regulate all seafood sanitation and processing programs. In the three (3) coastal counties, the sanitation program regulating processing plants and seafood sold in retail stores operating in conjunction with a processing plant or seafood market that primarily deals with seafood is under the exclusive authority of the * * * department. The * * * department may also inspect and regulate those areas of any seafood processing plant which process freshwater species at any site * * *. To effectively and efficiently implement the state seafood sanitation program, the State Health Officer, the Commissioner of Agriculture and the executive director of the department may enter into a memorandum of understanding, which at a minimum, clearly specifies the responsibilities of each agency in implementing the seafood sanitation program, as well as the sharing of information and communication and coordination between the agencies;

(d) To set standards of measure;

(e) To set requirements for employment of commission employees whose compensation shall be governed by the rules and regulations of the State Personnel Board;

(f) To acquire and dispose of commission equipment and facilities;

(g) To keep proper records of the commission, including an official ordinance book which contains all rules and regulations promulgated by the department, with the advice of the advisory commission, under this chapter;

(h) To enter into advantageous interstate and intrastate agreements with proper officials, which directly or indirectly result in the protection, propagation and conservation of the seafood of the State of Mississippi, or continue any such agreements now in existence;

(i) To arrange, negotiate or contract for the use of available federal, state and local facilities which would aid in the propagation, protection and conservation of the seafood of the State of Mississippi;

(j) To authorize the operation of double rigs in the waters lying between the mainland coast and the island chain, and those rigs shall not exceed a length of twenty-five (25) feet at the corkline, and to prescribe the length at the lead line for each rig, net or try-trawl;

(k) To destroy or dispose of equipment or nets which have been lawfully seized by the commission and which are not sold under Section 49-15-201 et seq.;

(l) To open, close and regulate fishing seasons for the taking of shrimp, oysters, fish taken for commercial purposes and

crabs and set size, catching and taking regulations for all types of seafood and culling regulations for oysters, except as otherwise specifically provided by law;

(m) To utilize the resources of the Gulf Coast Research Laboratory to the fullest extent possible;

(n) To develop a resource management plan to preserve seafood resources and to ensure a safe supply of these resources;

(o) To prescribe types and forms of scientific permits for public educational or scientific institutions, federal and state agencies and consultants performing marine resource studies;

(p) To suspend the issuance of licenses when necessary to impose a moratorium to conserve a fishery resource;

(q) To promote, construct, monitor and maintain artificial fishing reefs in the marine waters of the State of Mississippi and in adjacent federal waters; to accept grants and donations of money or materials from public and private sources for such reefs; to set permit fees and establish guidelines for the construction of artificial reefs in federal waters; and to apply for any federal permits necessary for the construction or maintenance of artificial fishing reefs in federal waters. The location data associated with artificial reefs by corporations and private individuals shall not be published by the commission or the department on the website or in written publications of the department. Location data of the artificial reefs may be

requested in writing by any individual and shall be provided by the department in a timely manner; and

(r) To require, in addition to other licensing requirements, the successful completion of educational or training programs on shellfish sanitation as a prerequisite to receiving commercial licenses authorized under this chapter in order to ensure compliance with the Interstate Shellfish Sanitation Conference's educational requirements for shellfish processors, dealers and harvesters by January 1, 2014.

(2) The * * * department shall not adopt rules, regulations or ordinances pertaining to marine resources which are more stringent than federal regulations. In any case where federal laws and regulations are silent on a matter pertaining to marine resources, the laws and regulations of the State of Mississippi shall control. The * * * department shall review all marine resource ordinances for compliance with the no more stringent standard and revise any ordinances more stringent than this standard no later than December 31, 1992. This subsection shall not apply to rules, regulations or ordinances pertaining to the wild stock of marine fin fish.

**SECTION 8.** Section 49-15-25, Mississippi Code of 1972, is amended as follows:

49-15-25. The * * * department may appoint an advisory council of persons who may fairly be regarded as representative of all the various segments of the industry. This council shall aid

the * * * department in formulating policies and discussing problems related to the administration of this chapter and the advancement and protection of the industry.

**SECTION 9.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 851

**Description:** Corrections and Criminal Justice Oversight Task Force; revise composition of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* ** See Text

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/14 | (H) Referred To Corrections |
| 2 | 02/19 | (H) Title Suff Do Pass |
| 3 | 02/20 | (H) Passed {Vote} |
| 4 | 02/21 | (H) Transmitted To Senate |
| 5 | 02/25 | (S) Referred To Corrections |
| 6 | 05/28 | (S) Title Suff Do Pass |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 851

**Code Section:** A 047-0005-0006

**----- Additional Information -----**

***House Committee:*** Corrections
***Senate Committee:*** Corrections

***Principal Author:*** Horan
***Additional Authors:*** Faulkner

***Title:*** AN ACT TO AMEND SECTION 47-5-6, MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE CORRECTIONS AND CRIMINAL JUSTICE

OVERSIGHT TASK FORCE BY ADDING AN ADDITIONAL MEMBER WHO IS APPOINTED BY THE GOVERNOR AND IS AN ADVOCATE FOR OFFENDERS AND FAMILIES WHO HAVE BEEN DIRECTLY AFFECTED BY THE PRISON JUSTICE SYSTEM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Horan, Faulkner To: Corrections

HOUSE BILL NO. 851
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-6, MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE CORRECTIONS AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE BY ADDING AN ADDITIONAL MEMBER WHO IS APPOINTED BY THE GOVERNOR AND IS AN ADVOCATE FOR OFFENDERS AND FAMILIES WHO HAVE BEEN DIRECTLY AFFECTED BY THE PRISON JUSTICE SYSTEM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 47-5-6, Mississippi Code of 1972, is amended as follows:

47-5-6. (1) There is hereby established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, hereinafter called the Oversight Task Force, which must exercise the powers and fulfill the duties described in this chapter.

(2) The Oversight Task Force shall be composed of the following members:

(a) The Lieutenant Governor shall appoint two (2) members;

(b) The Speaker of the House of Representatives shall appoint two (2) members;

(c) The Commissioner of the Department of Corrections, or his designee;

(d) The Chief Justice of the Mississippi Supreme Court shall appoint one (1) member of the circuit court;

(e) The Governor shall appoint one (1) member from the Parole Board;

(f) The Director of the Joint Legislative Committee on Performance Evaluation and Expenditure Review, or his designee;

(g) The Attorney General shall appoint one (1) member representing the victims' community;

(h) The Mississippi Association of Supervisors shall appoint one (1) * * * member to represent the association;

(i) The Mississippi Chief of Police Association shall appoint one (1) member to represent the association.

(* * *j) The President of the Mississippi Prosecutors' Association;

(* * *k) The President of the Mississippi Sheriffs' Association, or his designee; * * *

(* * *l) The Office of the State Public Defender shall appoint one (1) * * * member to represent the public defender's office * * *; and

(m) The Governor shall appoint one (1) advocate for offenders and families who have been directly affected by the prison justice system. The appointment made pursuant to this paragraph (l) shall occur on July 1, 2020.

(3) The task force shall meet on or before July 15, 2015, at the call of the Commissioner of the Department of Corrections and organize itself by electing one (1) of its members as chair and such other officers as the task force may consider necessary. Thereafter, the task force shall meet at least biannually and at the call of the chair or by a majority of the members. A quorum consists of seven (7) members.

(4) The task force shall have the following powers and duties:

(a) Track and assess outcomes from the recommendations in the Corrections and Criminal Justice Task Force report of December 2013;

(b) Prepare and submit an annual report no later than the first day of the second full week of each regular session of the Legislature on the outcome and performance measures to the Legislature, Governor and Chief Justice. The report shall include recommendations for improvements, recommendations on transfers of funding based on the success or failure of implementation of the recommendations, and a summary of savings. The report may also present additional recommendations to the Legislature on future legislation and policy options to enhance public safety and control corrections costs;

(c) Monitor compliance with sentencing standards, assess their impact on the correctional resources of the state and

determine if the standards advance the adopted sentencing policy goals of the state;

(d) Review the classifications of crimes and sentences and make recommendations for change when supported by information that change is advisable to further the adopted sentencing policy goals of the state;

(e) Develop a research and analysis system to determine the feasibility, impact on resources, and budget consequences of any proposed or existing legislation affecting sentence length;

(f) Request, review, and receive data and reports on performance outcome measures as related to Chapter 457, Laws of 2014;

(g) To undertake such additional studies or evaluations as the Oversight Task Force considers necessary to provide sentencing reform information and analysis;

(h) Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to judges, prosecuting attorneys and their deputies, and public defenders and their deputies, as so required;

(i) The Oversight Task Force shall use clerical and professional employees of the Department of Corrections for its staff;

(j) The Oversight Task Force may employ or retain other professional staff, upon the determination of the necessity for other staff;

(k) The Oversight Task Force may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Corrections and Criminal Justice Task Force report of December 2013;

(l) The Oversight Task Force is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

**SECTION 2.** This act shall take effect and be in force from and after the effective date of this act.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 861

**Description:** Taxation; authorize Commissioner of Revenue to reduce a tax assessment based on additional information after order of Board of Tax Appeals.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/14 | (H) Referred To Ways and Means |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/05 | (H) Passed {Vote} |
| 4 | 03/06 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Finance |
| 6 | 06/04 | (S) Title Suff Do Pass As Amended |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/11 | (S) Returned For Concurrence |
| 10 | 06/16 | (H) Decline to Concur/Invite Conf |
| 11 | 06/18 | (H) Conferees Named Lamar,Steverson,Massengill |
| 12 | 06/22 | (S) Conferees Named Harkins,Blount,Boyd |
| 13 | 06/24 | (S) Conference Report Filed |
| 14 | 06/24 | (H) Conference Report Filed |
| 15 | 06/25 | (S) Conference Report Adopted {Vote} |
| 16 | 06/26 | (H) Conference Report Adopted {Vote} |
| 17 | 06/30 | (H) Enrolled Bill Signed |
| 18 | 07/01 | (S) Enrolled Bill Signed |
| 19 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 861

Conference Reports:
Conference Report

**Code Section:** A 027-0077-0005

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 27-77-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REDUCE A TAX LIABILITY BASED ON ADDITIONAL INFORMATION OR DOCUMENTATION PROVIDED BY A TAXPAYER AFTER THE BOARD OF TAX APPEALS HAS ISSUED AN ORDER; TO PROVIDE THAT THE COMMISSIONER SHALL HAVE 30 DAYS TO ISSUE A DETERMINATION, DURING WHICH THE 60-DAY PERIOD FOR APPEAL TO THE CHANCERY COURT SHALL BE TOLLED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 861
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-77-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REDUCE A TAX LIABILITY BASED ON ADDITIONAL INFORMATION OR DOCUMENTATION PROVIDED BY A TAXPAYER AFTER THE BOARD OF TAX APPEALS HAS ISSUED AN ORDER; TO PROVIDE THAT THE COMMISSIONER SHALL HAVE 30 DAYS TO ISSUE A DETERMINATION, DURING WHICH THE 60-DAY PERIOD FOR APPEAL TO THE CHANCERY COURT SHALL BE TOLLED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-77-5, Mississippi Code of 1972, is amended as follows:

27-77-5. (1) Any taxpayer aggrieved by an assessment of tax by the agency, by the agency's denial of a refund claim, by the denial of a waiver of tag penalty, or the denial of a claim to tax credits or incentives, and who wishes to contest the action of the agency shall, within sixty (60) days from the date the agency mailed or delivered written notice of the action, file an appeal in writing with the Board of Review requesting a hearing and correction of the contested action specifying in detail the relief requested and any other information that might be required by regulation. Even after an appeal is filed with the Board of

Review, the agency retains the authority to change the assessment, the denial of refund claim or the denial of tag penalty being appealed.

(2) Upon receipt of a timely written appeal from a tax assessment, refund claim denial, denial of waiver of a tag penalty, or the denial of a claim to tax credits or incentives, a hearing shall be scheduled before the Board of Review unless it is determined that the relief requested in the written appeal should be granted without a hearing. A notice of the hearing shall be mailed to the taxpayer advising the taxpayer of the date, time and location of the hearing. The taxpayer or his designated representative shall attend the hearing unless a request is made to, and granted by, the Board of Review to allow the taxpayer to submit his position in writing or by electronic transmission in lieu of attendance. Failure of the taxpayer or his designated representative to attend a hearing or to submit his position in writing or by electronic transmission by the date specified by the Board of Review or by the hearing date, if no date was specified, shall constitute a withdrawal of the appeal.

(3) At a hearing before the Board of Review on a tax assessment, denial of refund claim, denial of waiver of a tag penalty, or the denial of a claim to tax credits or incentives, the Board of Review shall try the issues presented, according to law and the facts and within the guidelines established by regulation. The hearing before the Board of Review shall be

informal and no official transcript will be made of the hearing. At the earliest practical date after the hearing, the members of the Board of Review that heard the appeal shall make a determination on the matter presented and notify the taxpayer of its findings by mailing a copy of its order to the taxpayer. If the order involves the appeal of a denial of a waiver of tag penalty, a copy of the order shall also be mailed to the tax collector that imposed the penalty. If in the order the Board of Review orders the taxpayer to pay a tax assessment, the taxpayer shall, within sixty (60) days from the date the Board of Review mailed the order, pay the amount ordered to be paid or appeal the order of the Board of Review to the Board of Tax Appeals. After the sixty-day period, if an appeal is not filed by the taxpayer with the Executive Director of the Board of Tax Appeals and the tax determined by the Board of Review is not paid, the agency shall proceed to collect the tax assessment as determined by the Board of Review.

(4) Any taxpayer aggrieved by an order of the Board of Review affirming a tax assessment, the denial of a refund claim, the denial of a waiver of tag penalty, or the denial of a claim to tax credits or incentives, and who wishes to contest the order shall, within sixty (60) days from the date the Board of Review mailed the order being contested, file an appeal to the Board of Tax Appeals. The appeal shall be in writing and shall request a hearing and reversal or modification of the order of the Board of

Review, specify in detail the relief requested and contain any other information that might be required by regulation, and be filed with the executive director. At the time of filing his appeal with the executive director, the taxpayer shall also file a copy of his written appeal with the Board of Review. Even after an appeal is filed with the Executive Director of the Board of Tax Appeals, the Board of Review retains the authority to amend and/or correct the order being appealed at any time prior to a decision by the Board of Tax Appeals on the appeal. Failure to timely file a written appeal with the executive director within the sixty-day period shall make the order of the Board of Review final and not subject to further review by the Board of Tax Appeals or a court, other than as to the issue of whether a written appeal from the order of the Board of Review was timely filed with the executive director. If the Board of Review shall not issue an order within six (6) months of a hearing, the taxpayer may treat the failure to issue an order as a denial of the relief requested in the hearing and appeal such deemed denial to the Board of Tax Appeals as provided in this section. A taxpayer's filing or failure to file an appeal based on this deemed denial shall not prejudice or otherwise jeopardize the taxpayer's right to file an appeal with the Board of Tax Appeals upon the Board of Review's issuance of a subsequent order in the manner provided for in this section.

(5) Upon receipt of a written appeal from an order of the Board of Review affirming a tax assessment, refund claim denial,

denial of waiver of a tag penalty, or the denial of a claim to tax credits or incentives, the executive director shall schedule a hearing before the Board of Tax Appeals on the appeal. A notice of this hearing shall be mailed to the taxpayer and the agency advising them of the date, time and location of hearing. The taxpayer or his designated representative shall attend the hearing unless a request is made to and granted by the Executive Director of the Board of Tax Appeals to allow the taxpayer to submit his position in writing or by electronic transmission in lieu of attendance. Failure of the taxpayer or his designated representative to attend a hearing or to submit his position in writing or by electronic transmission by the date specified by the executive director or by the hearing date, if no date was specified, shall constitute a withdrawal of the appeal.

(6) (a) At any hearing before the Board of Tax Appeals on an appeal of an order of the Board of Review affirming a tax assessment, refund claim denial, denial of waiver of a tag penalty, or the denial of a claim to tax credits or incentives, two (2) members of the Board of Tax Appeals shall constitute a quorum. At the hearing, the Board of Tax Appeals shall conduct a hearing on all factual and legal issues raised by the taxpayer which address the substantive or procedural propriety of the actions of the Department of Revenue being appealed, according to the law and the facts and pursuant to any procedural guidelines established by regulation.

(b) At a hearing of any action brought under this section, the Board of Tax Appeals shall give no deference to the decision of the Board of Review, but shall give deference to the department's interpretation and application of the statutes as reflected in duly enacted regulations and other officially adopted publications. The Board of Tax Appeals shall conduct a hearing on all factual and legal issues raised by the taxpayer which address the substantive or procedural propriety of the actions being appealed. The Board of Tax Appeals shall decide all factual and legal questions presented, including those as to legality and the amount of tax or refund due as well as whether and to what extent the imposition of interest and/or penalties is warranted under the facts of the case, and if it finds that the tax assessment, denial of refund claim or other action of the agency in issue is incorrect or invalid, in whole or in part, it shall determine the amount of tax or refund due, including interest and, if applicable, penalty to date, and enter such order or judgment as it deems proper. Interest and penalty included in this determination shall be computed by the Board of Tax Appeals based on the methods for computing penalty and interest as specified by law for the type of tax in issue, and the Board of Tax Appeals shall have the same discretion as the commissioner in determining whether and to what extent such amounts are warranted under the facts of the case. The rules of evidence shall be relaxed at the hearing.

(c) Any appeal to chancery court from an order of the Board of Tax Appeals resulting from this type of hearing shall include a full evidentiary judicial hearing on all factual and legal issues raised by the taxpayer which address the substantive or procedural propriety of the department's action being appealed. No official transcript shall be made of this hearing before the Board of Tax Appeals.

(d) After reaching a decision on the issues presented, the Board of Tax Appeals shall enter its order setting forth its findings and decision on the appeal. A copy of the order of the Board of Tax Appeals shall be mailed to the taxpayer and the agency. If the order involves an appeal of a denial of a waiver of tag penalty, a copy of the order shall also be mailed to the tax collector that imposed the penalty.

(e) If the Board of Tax Appeals shall not issue an order within nine (9) months of a hearing, the taxpayer may treat the failure to issue an order as a denial of the relief requested in the hearing and appeal such deemed denial to the chancery court as provided in Section 27-77-7. A taxpayer's filing or failure to file an appeal based on this deemed denial shall not prejudice or otherwise jeopardize the taxpayer's right to file an appeal with the chancery court upon the Board of Tax Appeals' issuance of a subsequent order in the manner provided for in Section 27-77-7.

(7) If in its order the Board of Tax Appeals orders a taxpayer to pay a tax assessment, the taxpayer shall, within sixty

(60) days from the date the Board of Tax Appeals mailed the order, pay the amount ordered to be paid or properly appeal the order of the Board of Tax Appeals to chancery court as provided in Section 27-77-7. During the sixty (60) days after the date the Board of Tax Appeals mailed the order, if the taxpayer provides additional documentation or information, the commissioner may further reduce the amount due by the taxpayer. The commissioner shall have thirty (30) days from the date the taxpayer mails or otherwise provides in writing the additional documentation or information to issue a determination, during which the sixty-day appeal period provided in Section 27-77-7 is tolled. If the commissioner issues a determination in less than thirty (30) days, the appeal period shall begin to run again at the time of the written notice of the commissioner's determination. Written notice by the commissioner shall indicate that the sixty-day appeal period has begun to run again as of the date of the notice, and shall provide the taxpayer the date on which the appeal period will expire. After the sixty-day period, if the tax determined by the Board of Tax Appeals or the reduced amount determined by the commissioner to be due is not paid and an appeal from the Board of Tax Appeals order has not been properly filed, the agency shall proceed to collect the tax assessment as affirmed by the Board of Tax Appeals or reduced by the commissioner. If in its order the Board of Tax Appeals determines that the taxpayer has overpaid his taxes and an appeal from the Board of Tax Appeals order has not been properly

filed in chancery court, the agency shall, within sixty (60) days from the date the Board of Tax Appeals mailed its order, refund or credit to the taxpayer, as provided by law, the amount of overpayment as determined and set out in the order.

(8) At any time after the filing of an appeal to the Board of Review or from the Board of Review to the Board of Tax Appeals under this section, an appeal can be withdrawn. Such a withdrawal of an appeal may be made voluntarily by the taxpayer or may occur involuntarily as a result of the taxpayer failing to appear at a scheduled hearing, failing to make a written submission or electronic transmission in lieu of attendance at a hearing by the date specified or by the hearing date, if no date was specified, or by any other act or failure that the Board of Review or the Board of Tax Appeals determines represents a failure on the part of the taxpayer to prosecute his appeal. Any voluntary withdrawal shall be in writing or by electronic transmission and sent by the taxpayer or his designated representative to the chairman of the Board of Review, if the appeal being withdrawn is to the Board of Review, or to the executive director, if the appeal being withdrawn is to the Board of Tax Appeals. If the withdrawal of appeal is involuntary, the administrative appeal body from whom the appeal is being withdrawn shall note on its minutes the involuntary withdrawal of the appeal and the basis for the withdrawal. Once an appeal is withdrawn, whether voluntary or involuntary, the action from which the appeal was taken, whether a

tax assessment, a denial of refund claim, a denial of waiver of tax penalty, or the denial of a claim to tax credits or incentives, or an order of the Board of Review, shall become final and not subject to further review by the Board of Review, the Board of Tax Appeals or a court, other than as to the issue of whether a taxpayer's actions or inactions constituted a failure on the part of the taxpayer to prosecute his appeal. The agency shall then proceed in accordance with law based on such final action.

(9) Nothing in this section shall bar a taxpayer from timely applying to the commissioner as otherwise provided by law for a tax refund or for a revision in tax.

(10) Any appeal or other filing with the Board of Review or Board of Tax Appeals pursuant to this section shall be considered timely if it is hand delivered during the regular office hours of the recipient by the due date of such filing, or if it is mailed, postmarked or shipped by such due date. Any appeal or other filing to the Board of Review or Board of Tax Appeals pursuant to this section shall also be considered timely if electronically transmitted via electronic mail, electronic filing or facsimile by midnight of the due date for such filing. The timeliness of such electronic filing shall be determined in all instances based on the local time zone of the recipient. If the due date for any appeal or other filing with the Board of Review or Board of Tax Appeals should fall on a Saturday, Sunday, official state holiday,

or other day on which the Department of Revenue or Board of Tax Appeals is closed, the due date for the filing shall be the next business day in which the Department of Revenue or Board of Tax Appeals is open.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 865

**Description:** Sales tax; revise provisions regarding denial/revocation of permit due to unpaid taxes.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/14 | (H) Referred To Ways and Means |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/10 | (H) Passed {Vote} |
| 4 | 03/11 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Finance |
| 6 | 06/04 | (S) Title Suff Do Pass As Amended |
| 7 | 06/11 | (S) Amended |
| 8 | 06/11 | (S) Passed As Amended {Vote} |
| 9 | 06/12 | (S) Returned For Concurrence |
| 10 | 06/16 | (H) Decline to Concur/Invite Conf |
| 11 | 06/18 | (H) Conferees Named Lamar,Steverson,Massengill |
| 12 | 06/22 | (S) Conferees Named Harkins,Sparks,Boyd |
| 13 | 06/24 | (S) Conference Report Filed |
| 14 | 06/24 | (H) Conference Report Filed |
| 15 | 06/25 | (S) Conference Report Adopted {Vote} |
| 16 | 06/26 | (H) Conference Report Adopted {Vote} |
| 17 | 06/30 | (H) Enrolled Bill Signed |
| 18 | 06/30 | (S) Enrolled Bill Signed |
| 19 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 865

Conference Reports:
Conference Report

**Code Section:** A 027-0065-0027

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 27-65-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSIONER OF REVENUE MAY DENY AN APPLICATION FOR A SALES TAX PERMIT OR REVOKE A SALES TAX PERMIT IF THE APPLICANT OR TAXPAYER IS AN ENTITY AND ANY PARTNER, MEMBER, PRINCIPAL OFFICER OR DIRECTOR OF SUCH ENTITY HAS FAILED TO SATISFY ALL OF THE FINALLY DETERMINED TAX LIABILITIES OWED BY THAT PARTNER, MEMBER, PRINCIPAL OFFICER OR DIRECTOR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 865
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-65-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COMMISSIONER OF REVENUE MAY DENY AN APPLICATION FOR A SALES TAX PERMIT OR REVOKE A SALES TAX PERMIT IF THE APPLICANT OR TAXPAYER IS AN ENTITY AND ANY PARTNER, MEMBER, PRINCIPAL OFFICER OR DIRECTOR OF SUCH ENTITY HAS FAILED TO SATISFY ALL OF THE FINALLY DETERMINED TAX LIABILITIES OWED BY THAT PARTNER, MEMBER, PRINCIPAL OFFICER OR DIRECTOR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-65-27, Mississippi Code of 1972, is amended as follows:

27-65-27. (1) Any person who engages, or who intends to engage, in any business or activity which will subject such person to a privilege tax imposed by this chapter, shall apply to the commissioner for a permit to engage in and to conduct any business or activity upon the condition that he shall pay the tax accruing to the State of Mississippi under the provisions of this chapter, and shall keep adequate records of such business or activity as required by this chapter. By making an application for a permit issued pursuant to this section, a person agrees, regardless of his presence in this state, to:

(a) Be subject to the jurisdiction of this state for purposes of taxation;

(b) Collect and remit all taxes levied under this chapter on the type of business or activity to be conducted by the applicant;

(c) Be subject to all the provisions of this chapter.

(2) Upon receipt of the permit, the applicant shall be duly licensed under this chapter to engage in and conduct the business or activity. The permit shall continue in force so long as the person to whom it is issued shall continue in the same business at the same location, unless revoked by the commissioner for cause.

(3) The commissioner shall require of every person desiring to engage in business within this state who maintains no permanent place of business within this state, of every person desiring to engage in the business of making sales of mobile homes, a cash bond or an approved surety bond in an amount sufficient to cover twice the estimated tax liability for a period of three (3) months. However, the bond shall in no case be less than One Hundred Dollars ($100.00) and the tax may be prepaid in lieu of filing bond if the amount is approved by the commissioner. This bond shall be filed with the commissioner prior to the issuance of a permit to do business and before any such person may engage in business within this state. Failure to comply with the provision will subject such person to the penalties provided by this chapter.

(4) The commissioner is authorized to deny the application for a permit or revoke the permit of any person who has failed or is failing to comply with any of the provisions of this chapter. The commissioner may also deny the application for a permit or revoke the permit of any person who has failed to satisfy all of the finally determined tax liabilities owed by that person. If the applicant or taxpayer is an entity, the commissioner may deny the application for a permit or revoke the permit if any partner, member, principal officer or director of such entity has failed to satisfy all of the finally determined tax liabilities owed by that partner, member, principal officer or director. Any denial or revocation of an entity's permit based on a partner, member, principal officer or director's finally determined tax liability shall only be authorized if the partner, member, principal officer or director owns ten percent (10%) or more of the entity and is or will be exercising responsibility for fiscal management. In lieu of denying or revoking an entity's permit, the commissioner may accept an increased or additional bond from the entity to cover the additional risk involved with having an individual with a finally determined tax liability involved. As used in this subsection, "finally determined tax liabilities" means any state tax, fee, penalty and/or interest owed by a person to the * * * Department of Revenue where the assessment of the liability has been made against that person as provided by law and such assessment is not subject to any further timely filed

administrative or judicial review. Revocation of such permit, or engaging or continuing in business after such permit is revoked or engaging in business without a permit, shall subject the person to all the penalties imposed by this chapter.

(5) Any person liable for the tax who fails to obtain a permit from the commissioner, or who continues in business after such permit has been revoked, or who fails to make his returns for taxation as provided, or who fails to keep adequate records and invoices provided by this chapter, or who fails or refuses to permit inspection of such records, or who fails to pay any taxes due hereunder, shall forfeit his rights to do business in this state until he complies with all the provisions of this chapter and until he enters into a bond, with sureties, to be approved by the commissioner, in an amount not to exceed twice the amount of all taxes estimated to become due under this chapter by the person for any period of three (3) months, conditioned to comply with the provisions of this chapter, and pay all taxes legally due by him.

(6) If any person is engaged in or continuing in this state in any business or activity without obtaining a permit, or after the permit has been revoked, or without filing a required bond, or without keeping and allowing inspection of all records required by this chapter, or without making a return, or returns, and without paying all taxes due by him hereunder, it shall be the duty of the commissioner to proceed by injunction to prevent the continuance of the business. Any temporary injunction enjoining the

continuance of the business shall be granted without notice by a judge or chancellor now authorized to grant injunctions.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 940

**Description:** Financial institutions; authorize to delay a transaction upon good-faith belief that eligible person will be exploited.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/14 | (H) | Referred To Banking and Financial Services |
| 2 | 02/25 | (H) | Title Suff Do Pass |
| 3 | 03/04 | (H) | Passed {Vote} |
| 4 | 03/05 | (H) | Transmitted To Senate |
| 5 | 05/12 | (S) | Referred To Business and Financial Institutions |
| 6 | 06/01 | (S) | Title Suff Do Pass As Amended |
| 7 | 06/10 | (S) | Amended |
| 8 | 06/10 | (S) | Passed As Amended {Vote} |
| 9 | 06/11 | (S) | Returned For Concurrence |
| 10 | 06/17 | (H) | Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) | Enrolled Bill Signed |
| 12 | 06/23 | (S) | Enrolled Bill Signed |
| 13 | 06/29 | | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

**----- Additional Information -----**

***House Committee:*** Banking and Financial Services
***Senate Committee:*** Business and Financial Institutions

***Principal Author:*** Zuber
***Additional Authors:*** Aguirre, Anthony, Gibbs (72nd)

***Title:*** AN ACT TO AUTHORIZE A FINANCIAL INSTITUTION TO DELAY THE COMPLETION OF A FINANCIAL TRANSACTION, IF CERTAIN EMPLOYEES OF THE FINANCIAL INSTITUTION BELIEVE IN GOOD FAITH THAT A REQUESTED TRANSACTION MAY RESULT IN, OR BE THE RESULT OF, EXPLOITATION

OF AN ELIGIBLE PERSON; TO PROVIDE THAT A TRANSACTION DELAY WILL EXPIRE UPON EITHER A GOOD-FAITH DETERMINATION BY THE FINANCIAL INSTITUTION THAT THE TRANSACTION WILL NOT RESULT IN EXPLOITATION, OR 10 CALENDAR DAYS, UNLESS THE DEPARTMENT OF HUMAN SERVICES OR A LAW ENFORCEMENT AUTHORITY REQUESTS THAT THE FINANCIAL INSTITUTION EXTEND THE DELAY; TO REQUIRE THE FINANCIAL INSTITUTION TO NOTIFY THE DEPARTMENT OF HUMAN SERVICES AND AUTHORIZE THE FINANCIAL INSTITUTION TO NOTIFY OTHER CERTAIN INDIVIDUALS IF A TRANSACTION IS DELAYED; TO LIMIT THE LIABILITY OF A FINANCIAL INSTITUTION THAT EITHER DELAYS A TRANSACTION OR DOES NOT DELAY A TRANSACTION; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 940

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2020

By: Representatives Zuber, Aguirre, Anthony, Gibbs (72nd)

To: Banking and Financial Services

HOUSE BILL NO. 940
(As Sent to Governor)

AN ACT TO AUTHORIZE A FINANCIAL INSTITUTION TO DELAY THE COMPLETION OF A FINANCIAL TRANSACTION, IF CERTAIN EMPLOYEES OF THE FINANCIAL INSTITUTION BELIEVE IN GOOD FAITH THAT A REQUESTED TRANSACTION MAY RESULT IN, OR BE THE RESULT OF, EXPLOITATION OF AN ELIGIBLE PERSON; TO PROVIDE THAT A TRANSACTION DELAY WILL EXPIRE UPON EITHER A GOOD-FAITH DETERMINATION BY THE FINANCIAL INSTITUTION THAT THE TRANSACTION WILL NOT RESULT IN EXPLOITATION, OR 10 CALENDAR DAYS, UNLESS THE DEPARTMENT OF HUMAN SERVICES OR A LAW ENFORCEMENT AUTHORITY REQUESTS THAT THE FINANCIAL INSTITUTION EXTEND THE DELAY; TO REQUIRE THE FINANCIAL INSTITUTION TO NOTIFY THE DEPARTMENT OF HUMAN SERVICES AND AUTHORIZE THE FINANCIAL INSTITUTION TO NOTIFY OTHER CERTAIN INDIVIDUALS IF A TRANSACTION IS DELAYED; TO LIMIT THE LIABILITY OF A FINANCIAL INSTITUTION THAT EITHER DELAYS A TRANSACTION OR DOES NOT DELAY A TRANSACTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) As used in this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(a) "Eligible person" means a vulnerable person, or any person age sixty-five (65) years or older.

(b) "Exploitation" of an eligible person has the same meaning as set forth in Section 43-47-5.

(c) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association or credit union authorized to do business and accept deposits in this state under state or federal law.

(d) "Good faith" means honesty in fact.

(e) "Vulnerable person" has the same meaning as set forth in Section 43-47-5.

(2) If an officer of a financial institution or a branch manager, or their designee, believes in good faith that a requested transaction of any kind may result in, or be the result of, exploitation of an eligible person, the institution may delay the completion or execution of the transaction for a period of time not to exceed ten (10) calendar days, unless extended, as otherwise provided in this section.

(3) Any delay of a financial transaction as authorized by this section will expire upon either:

(a) A good-faith determination by the financial institution that the transaction will not result in, or is not the result of, exploitation of the eligible person; or

(b) Ten (10) calendar days, unless the Department of Human Services or a law enforcement authority requests that the financial institution extend the delay, in which case the delay shall be extended for an additional period of up to ten (10) business days unless otherwise extended or terminated by court order. The Department of Human Services, any law enforcement

authority or any interested person may petition a court of competent jurisdiction to enter an order extending or terminating the delay of a transaction.

(4) If a transaction is delayed, the financial institution shall promptly notify the Department of Human Services, and at its option may notify any federal, state or local law enforcement authority, any other person who is authorized to have access to or transact business on any account of the eligible person with the financial institution, any person reasonably associated with the eligible person, or any other person permitted by state or federal laws or regulations or by customer agreement. The financial institution may disclose in connection with such notification information about the transaction, the reason for the delay, and any information that may be included in a report of abuse, neglect or exploitation as provided in Section 43-47-7.

(5) A financial institution and its officers, directors, employees, agents and representatives shall have no duty to act pursuant to this section. Nothing in this section shall change any contractual or other lawful right or authority a financial institution may have to refuse or delay a transaction.

(6) A financial institution and its officers, directors, employees, agents and representatives shall be immune from any administrative, civil, or criminal liability that might otherwise arise for taking action or not taking action pursuant to this section and for making any disclosure or delaying any transaction

permitted by this section. The immunity provided for in this subsection shall not apply to any individual who is a perpetrator of exploitation of the eligible person.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1018

**Description:** Church Protection Act; revise how a church is required to maintain reords of its security team.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/14 | (H) Referred To Judiciary B |
| 2 | 02/18 | (H) Title Suff Do Pass Comm Sub |
| 3 | 02/27 | (H) Committee Substitute Adopted |
| 4 | 02/27 | (H) Amended |
| 5 | 02/27 | (H) Passed As Amended {Vote} |
| 6 | 03/02 | (H) Transmitted To Senate |
| 7 | 05/11 | (S) Referred To Judiciary, Division B |
| 8 | 06/03 | (S) Title Suff Do Pass |
| 9 | 06/10 | (S) Amended |
| 10 | 06/10 | (S) Passed As Amended {Vote} |
| 11 | 06/11 | (S) Returned For Concurrence |
| 12 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 13 | 06/22 | (H) Enrolled Bill Signed |
| 14 | 06/23 | (S) Enrolled Bill Signed |
| 15 | 06/29 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1018

**Code Section:** A 045-0009-0171

**----- Additional Information -----**

***House Committee:*** Judiciary B
***Senate Committee:*** Judiciary, Division B

***Principal Author:*** Bounds
***Additional Authors:*** Anthony

## 2020 GENERAL LAWS OF MISSISSIPPI HB 1018

***Title:*** AN ACT TO AMEND SECTION 45-9-171, MISSISSIPPI CODE OF 1972, TO REVISE THE CHURCH PROTECTION ACT BY REQUIRING ANY CHURCH WITH A SECURITY PROGRAM TO MAINTAIN THE FIREARM LICENSE NUMBERS OF CONCEALED LICENSE HOLDERS AND IDENTIFICATION NUMBERS OF LAW ENFORCEMENT OFFICERS AND QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS WHO ARE ON THEIR TEAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Bounds, Anthony To: Judiciary B

HOUSE BILL NO. 1018
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-9-171, MISSISSIPPI CODE OF 1972, TO REVISE THE CHURCH PROTECTION ACT BY REQUIRING ANY CHURCH WITH A SECURITY PROGRAM TO MAINTAIN THE FIREARM LICENSE NUMBERS OF CONCEALED LICENSE HOLDERS AND IDENTIFICATION NUMBERS OF LAW ENFORCEMENT OFFICERS AND QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS WHO ARE ON THEIR TEAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 45-9-171, Mississippi Code of 1972, is amended as follows:

45-9-171. (1) This section shall be known and may be cited as the "Mississippi Church Protection Act."

(2) (a) The governing body of any church or place of worship may establish a security program by which designated members are authorized to carry firearms for the protection of the congregation of the church or place of worship, including resisting any unlawful attempt to commit a violent felony listed in Section 97-3-2(1) upon a member or other attendee in the church or place of worship or on the immediate premises thereof. A church or place of worship may establish a security program that meets the requirements of subsection (2)(b) of this section, and a

member of the security program shall be immune from civil liability for any action taken by a member of the security program if the action in question occurs during the reasonable exercise of and within the course and scope of the member's official duties as a member of the security program for the church or place of worship. For purposes of this section, "church" or "place of worship" means only a bona fide duly constituted religious society, ecclesiastical body, or any congregation thereof.

(b) In order to be eligible for the immunity provided in this section:

(i) The program at a minimum must require that each member of the program possesses a firearms * * * license issued under Section 45-9-101 and has completed an instructional course in the safe handling and use of firearms as described in Section 97-37-7, * * * or a law enforcement officer as defined in Section 45-6-3, or is a qualified retired law enforcement officer as defined in 18 U.S.C. Section 926C(c). The program may also include one or more persons with law enforcement or military background who may assist the church or place of worship in training of the members of the program and who shall be required to have a license, or be a law enforcement officer or qualified retired law enforcement officer, whichever is applicable, as described in this paragraph (i) in order to be eligible for immunity;

(ii) The * * * qualified retired law enforcement officers as defined in 18 U.S.C. Section 926C(c) or the Mississippi firearm license numbers of the members who are designated by the church or place of worship to serve in the security program must be spread upon the minutes of the body or otherwise noted in writing at the time of the member's designation if the body does not maintain minutes, and this written record must be made available to law enforcement upon request during the course of an investigation after * * * any incident in which the member used a firearm while acting as a member of the security program; and

(iii) The member of the program who is claiming immunity under the provisions of this section must have met the requirements of this paragraph (b).

(3) A person who is indicted or charged with a violation of criminal law while acting as a member of a security program of a church or place of worship may assert as a defense, in addition to any other defense available, that at the time of the action in question, the person was a member of a church body or place of worship security program, was then actually engaged in the performance of the person's duties as a member of the program, and had met the requirements of this section at the time of the action in question.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1080

**Description:** Toll roads; revise maximum length of time for public private partnership agreement.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Transportation |
| 2 | 02/26 | (H) Title Suff Do Pass |
| 3 | 03/05 | (H) Passed {Vote} |
| 4 | 03/06 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Highways and Transportation |
| 6 | 05/27 | (S) Title Suff Do Pass As Amended |
| 7 | 06/11 | (S) Amended |
| 8 | 06/11 | (S) Passed As Amended {Vote} |
| 9 | 06/12 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/22 | (H) Conferees Named Busby,Ford (54th),Faulkner |
| 12 | 06/22 | (S) Conferees Named Fillingane,Parks,DeLano |
| 13 | 06/25 | (S) Conference Report Filed |
| 14 | 06/25 | (H) Conference Report Filed |
| 15 | 06/26 | (S) Conference Report Adopted {Vote} |
| 16 | 06/26 | (H) Conference Report Adopted {Vote} |
| 17 | 06/30 | (H) Enrolled Bill Signed |
| 18 | 06/30 | (S) Enrolled Bill Signed |
| 19 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1080

Conference Reports:
Conference Report

**Code Section:** A 065-0043-0003

**----- Additional Information -----**

***House Committee:*** Transportation
***Senate Committee:*** Highways and Transportation

***Principal Author:*** Busby
***Additional Authors:*** Faulkner

***Title:*** AN ACT TO AMEND SECTION 65-43-3, MISSISSIPPI CODE OF 1972, TO REVISE THE TOLL ROAD LAWS REGARDING PUBLIC PRIVATE PARTNERSHIPS TO ALLOW FOR EXTENSIONS, AUTOMATIC RENEWALS OR OTHER CONTRACTUAL TERMS AGREED TO BY THE GOVERNMENTAL ENTITY AS EXCEPTIONS TO THE MAXIMUM CONTRACT PERIOD OF 50 YEARS; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1080

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Busby, Faulkner To: Transportation

HOUSE BILL NO. 1080
(As Sent to Governor)

AN ACT TO AMEND SECTION 65-43-3, MISSISSIPPI CODE OF 1972, TO REVISE THE TOLL ROAD LAWS REGARDING PUBLIC PRIVATE PARTNERSHIPS TO ALLOW FOR EXTENSIONS, AUTOMATIC RENEWALS OR OTHER CONTRACTUAL TERMS AGREED TO BY THE GOVERNMENTAL ENTITY AS EXCEPTIONS TO THE MAXIMUM CONTRACT PERIOD OF 50 YEARS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 65-43-3, Mississippi Code of 1972, is amended as follows:

65-43-3. (1) (a) In addition to and as an alternative to any other authority granted by law, including, but not limited to, Section 65-43-1, any governmental entities, as defined in Section 65-43-1, in their discretion, may contract, individually or jointly with other governmental entities, with any persons, corporations, partnerships or other businesses licensed to do business in the State of Mississippi (hereinafter referred to as "companies" or "company") for the purpose of designing, financing, constructing, operating and maintaining one or more new toll roads or toll bridges in the state for motor vehicle traffic, including tollbooths and related facilities, at those locations where an

alternate untolled route exists. Such contracts may provide that the governmental entities may grant certain rights (including, but not limited to, the right to exclusively operate and maintain) in land held by the governmental entities, whether in fee simple, as an easement or other interest, to a company for design, construction, operation and/or maintenance of roadways, highways or bridges for motor vehicle traffic, tollbooths and related facilities. All such highways, pavement, bridges, drainage-related structures and other infrastructure comprising the projects shall be built and maintained in accordance with not less than the minimum highway design, construction and maintenance standards established by the contracting governmental entity for such highways, infrastructure and facilities. The contracting governmental entity shall conduct periodic inspections of any such project throughout the term of the contract to ensure compliance by the company. Failure of a company to comply with minimum standards established for the project by the contracting governmental entity shall constitute a breach and shall subject the company to liability on its bond or security or to rescission of the contract in accordance with the terms and provisions of the contract.

(b) A governmental entity may not enter into a contract under this section with (i) any company designated as a foreign terrorist organization pursuant to Presidential Executive Order 13224 or Section 302 of the federal Antiterrorism or Effective

Death Penalty Act of 1996, (ii) any company under the control of a so-designated foreign terrorist organization, or (iii) any company controlled by a foreign person if to do so would violate any order of the Committee on Foreign Investment in the United States under the Foreign Investment and National Security Act of 2007, H.R. 566, 110th Cong. (2007), Public Law 110-49, 121 Stat. 246. These requirements also shall apply to any proposed transfer or assignment of any contract entered into under this section.

(2) (a) Every contract entered into by a governmental entity under this section (except for contracts entered into with another governmental entity or following termination of a predecessor contract entered into under this section), at a minimum, must provide for the design and construction of a new toll road or toll bridge project and may also provide for the financing, acquisition, lease, maintenance, and/or operation of a new toll road or toll bridge project.

(b) If a governmental entity enters into a contract with a company as authorized by this section, such governmental entity shall use a competitive procurement process that provides the best value for the governmental entity. The governmental entity may accept unsolicited proposals for a proposed new toll road or solicit proposals in accordance with this section.

(c) A governmental entity shall publish a request for competing proposals and qualifications in a newspaper having a general circulation within such governmental entity or, if the

governmental entity is the Mississippi Transportation Commission, shall publish the request in a newspaper having a general circulation at the seat of government and, if the governmental entity has a website, shall post the request on such website. Such request shall include the criteria used to evaluate the proposals, the relative weight given to the criteria and a deadline by which proposals must be received. At a minimum, a proposal submitted in response to such request must contain:

(i) Information regarding the proposed project location, scope and limits;

(ii) Information regarding the company's qualifications, experience, technical competence, and capability to develop the project; and

(iii) A proposed financial plan for the proposed project that includes, at a minimum, the projected project costs, projected revenues and proposed sources of funds.

A governmental entity may interview a company submitting a solicited or unsolicited proposal. In evaluating such proposals, a governmental entity may solicit input from other sources regarding such proposals.

(d) The governmental entity shall rank each proposal based on the criteria described in the request for proposals and select the company whose proposal offers the best value to the governmental entity. The governmental entity may enter into discussions with the company whose proposal offers the best value.

If at any point during the discussions it appears to the governmental entity that the highest ranking proposal will not provide the governmental entity with the overall best value, the governmental entity may enter into discussions with the company submitting the next highest ranking proposal.

(e) The governmental entity may withdraw a request for competing proposals and qualifications at any time and for any reason and may reject any one (1) or all proposals. In either case, the governmental entity may then publish a new request for competing proposals and qualifications. A governmental entity shall not be required to pay any company for the costs of preparing or submitting proposals.

(f) The governmental entity shall prescribe the general form of a contract authorized by this section and may include any matter the governmental entity considers advantageous to it. The governmental entity and the company shall negotiate the specific terms of the contract.

(g) Except as provided under this subsection (2), no such contract entered into hereunder shall be subject to the provisions of Section 65-1-8, Section 31-7-13 or any other public bid or public procurement laws of this state.

(h) The Transportation Commission shall evaluate each proposal based on the criteria established by the commission. The Transportation Commission shall approve or disapprove a proposal within ninety (90) days after receipt of the proposal. If the

Transportation Commission needs additional information, it may delay approval for an additional sixty (60) days.

(i) Any right or interest arising under or as a result of any contract entered into under this section by a governmental entity with a company involving a franchise, license agreement, concession agreement, operating agreement, construction agreement, design agreement and/or any other similar contractual arrangement in connection with the financing, design, construction, acquisition, maintenance and/or operation of a toll road or toll bridge project shall not constitute any right, title or interest in land or other real property or real estate or in personal property within the meaning of Article 1, Chapter 35, Title 27, Mississippi Code of 1972, in the toll road or toll bridge project, including tollbooths and related toll facilities (including, but not limited to, land, pavement, drainage-related structures, and other infrastructure and property related thereto) in which a governmental entity is the title owner of such property and/or holder of easements, rights-of-way and/or other interests for such toll road or toll bridge project.

(3) Every contract entered into by a governmental entity under this section shall require a company to enter into bond and provide such security as the governmental entity determines may be necessary or advisable to ensure timely completion and proper execution and performance of the contract. The term of the contract shall not exceed fifty (50) years * * *, with the

exception of extensions, automatic renewals or other contractual terms as agreed to by the governmental entity in the original or a subsequent agreement. The governmental entities are authorized to acquire such property or interests in property as may be necessary, by gift, purchase or eminent domain, for construction and maintenance of the highways or bridges built pursuant to contracts entered into under this section. Upon expiration, termination or rescission of the contract, any and all rights and/or interests that the company may have in the land, infrastructure, facilities or other improvements to the property subject to contract shall terminate and automatically, by operation of law, be returned or conveyed to and vested in the State of Mississippi or the contracting governmental entity. Upon termination, expiration or rescission of the contract, the collection of tolls shall cease.

(4) The governmental entity having jurisdiction over the toll highway or bridge may, after notice and public hearing, establish, charge and collect motor vehicle operator tolls for use of the highway or bridge and its facilities. Alternatively, during the term of any contract entered into under this section, the company may establish, charge and collect motor vehicle operators tolls for use of the highway or bridge and its facilities. The amount of such tolls, and any modification thereto, shall be subject to approval by the contracting governmental entity after notice and public hearing. All such

contracts entered into with the Mississippi Transportation Commission may require a company to pay a percentage or other specified portion of all tolls collected to the Mississippi Department of Transportation. If bonds are issued pursuant to Section 65-43-13, then all such tolls paid to the department shall be deposited into the special bond sinking fund under Section 65-43-11, and may be expended only as authorized by the Legislature. If bonds are not issued pursuant to Section 65-43-13, then all such tolls paid to the department shall be deposited into the department's highway fund to be used by the department for the construction and maintenance of highways.

(5) If a toll road is a designated evacuation route and a declaration of a state of emergency is issued by the President of the United States or by the Governor, the collection of tolls shall cease until the termination of the state of emergency.

(6) All statutes of this state relating to vehicle and traffic regulation and control shall be applicable to motor vehicles operated upon highways and bridges constructed under this section and shall be enforceable by the Mississippi Department of Public Safety, the Mississippi Highway Safety Patrol or any other law enforcement agency having jurisdiction over such highways and bridges.

(7) The State of Mississippi, the Mississippi Transportation Commission, the Mississippi Department of Transportation, counties, municipalities or any other agency or political

subdivision, or any officer or employee thereof, shall not be liable for any tortious act or omission arising out of the construction, maintenance or operation of any highway or bridge project under the provisions of this section where the act or omission occurs during the term of any such contract entered into by the Mississippi Transportation Commission or other governmental entity and a company.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1087

**Description:** Alcoholic beverages; revise policy of the state regarding prohibition of possession of.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Ways and Means |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/09 | (H) Amended |
| 4 | 03/09 | (H) Passed As Amended {Vote} |
| 5 | 03/11 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Finance |
| 7 | 06/09 | (S) Title Suff Do Pass |
| 8 | 06/16 | (S) Amended |
| 9 | 06/16 | (S) Passed As Amended {Vote} |
| 10 | 06/17 | (S) Motion to Reconsider Entered |
| 11 | 06/17 | (S) Amended |
| 12 | 06/17 | (S) Passed As Amended {Vote} |
| 13 | 06/18 | (S) Returned For Concurrence |
| 14 | 06/19 | (H) Concurred in Amend From Senate {Vote} |
| 15 | 06/23 | (H) Enrolled Bill Signed |
| 16 | 06/24 | (S) Enrolled Bill Signed |
| 17 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1087

**Code Section:** A 067-0001-0003, A 067-0001-0007, A 067-0001-0009, A 067-0001-0011, A 067-0001-0014, A 067-0001-0051, A 067-0003-0007, A 067-0003-0011, A 067-0003-0013

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE AS TO THE POSSESSION OF ALCOHOLIC BEVERAGES; TO AMEND SECTIONS 67-1-7, 67-1-9, 67-1-11, 67-1-14 AND 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 67-3-7, 67-3-11 AND 67-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE POSSESSION OF BEER, LIGHT SPIRIT PRODUCT AND LIGHT WINE THROUGHOUT THE STATE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1087
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE AS TO THE POSSESSION OF ALCOHOLIC BEVERAGES; TO AMEND SECTIONS 67-1-7, 67-1-9, 67-1-11, 67-1-14 AND 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 67-3-7, 67-3-11 AND 67-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE POSSESSION OF BEER, LIGHT SPIRIT PRODUCT AND LIGHT WINE THROUGHOUT THE STATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is amended as follows:

67-1-3. The policy of this state is reannounced in favor of prohibition of the manufacture, sale, distribution, * * * and transportation of * * * alcoholic beverages; and the provisions against such manufacture, sale, distribution, * * * and transportation of * * * alcoholic beverages, as contained in Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere, are hereby redeclared the law of this state. The purpose and intent of this chapter is to vigorously enforce the prohibition laws throughout the state, except in those counties and municipalities voting themselves out from under the prohibition

law in accordance with the provisions of this chapter, and, in those counties and municipalities, to require strict regulation and supervision of the manufacture, sale, distribution, * * * and transportation of intoxicating liquor under a system of state licensing of manufacturers, wholesalers and retailers, which licenses shall be subject to revocation for violations of this chapter. However, from and after January 1, 2021, prohibition is renounced as to the possession of alcoholic beverages. It shall thereafter be lawful to possess alcoholic beverages throughout the state, unless otherwise prohibited in this chapter. Nothing herein shall be construed to make lawful the possession of alcoholic beverages with the intent to sell except as authorized under this chapter.

All laws and parts of laws in conflict with this chapter are repealed only to the extent of such conflict; however, except as is provided in this chapter, all laws prohibiting the manufacture, sale, and distribution * * * of alcoholic beverages, which are not in conflict with this chapter shall remain in full force and effect, and all such laws shall remain in full force and effect in counties and municipalities wherein the manufacture, sale, and distribution * * * of alcoholic beverages has not been authorized as a result of an election held under Section 67-1-11 or Section 67-1-14, Mississippi Code of 1972, or as otherwise provided in this chapter.

**SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, * * * and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. * * * The manufacture, sale, distribution and possession of native wines shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the * * * department.

(2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the commission, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or

municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises.

**SECTION 3.** Section 67-1-9, Mississippi Code of 1972, is amended as follows:

67-1-9. (1) It shall be unlawful for any person to manufacture, distill, brew, sell, * * * import into this state, export from the state, transport, distribute, warehouse, store, solicit, take order for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except as authorized in this chapter. However, nothing contained herein shall prevent importers, wineries and distillers of alcoholic beverages from storing such alcoholic beverages in private bonded warehouses located within the State of Mississippi for the ultimate use and benefit of the Department of Revenue as provided in Section 67-1-41. The department is hereby authorized to promulgate rules and regulations for the establishment of such private bonded warehouses and for the control of alcoholic beverages stored in such warehouses. Additionally, nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or prevent any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic

liquor for the treatment of bona fide patients of such hospital or other institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the combination of prescriptions of duly licensed physicians. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this chapter.

(2) Any person, upon conviction of any provision of this section, shall be punished as follows:

(a) By a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than one (1) week nor more than three (3) months, or both, for the first conviction under this section.

(b) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail not less than sixty (60) days, nor more than six (6) months, or both fine and imprisonment, for the second conviction for violating this section.

(c) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary not less than one (1) year, nor more than five (5) years, or both fine and imprisonment, for

conviction the third time under this section for the violation thereof after having been twice convicted of its violation.

(3) Nothing in this section shall make it unlawful to transport bottles or containers of alcoholic beverages that are legally purchased in this state if the bottles or containers are unopened and are being transported on state or federal highway.

**SECTION 4.** Section 67-1-11, Mississippi Code of 1972, is amended as follows:

67-1-11. (1) Notwithstanding any provision of this chapter, the legalizing provisions of this chapter, except as authorized under Section 67-9-1 and Section 67-1-7(2), shall not be effective, applicable or operative in any county unless and until a local option election shall be called and held in such county in the manner and with the results hereinafter provided.

(2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the sale * * * and distribution * * * of alcoholic * * * beverages shall be permitted in such county as provided in this chapter. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days

from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(3) Said election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR coming out from under the dry law in _____ County ( )" "I vote AGAINST coming out from under the dry law in _____ County ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (√) mark opposite the words of their choice.

(4) The election commissioners shall canvass and determine the results of said election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, this chapter shall become applicable and operative in such county and the manufacture, sale, and

distribution * * * of alcoholic beverages therein shall be lawful to the extent and in the manner permitted hereby. If, on the other hand, a majority of the qualified electors participating in the election shall vote against the proposition, this chapter, except for Section 67-9-1 and 67-1-7(2), shall not become effective and operative in such county and, except as otherwise provided under Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating the manufacture, sale, and distribution * * * of * * * alcoholic beverages shall remain in full force and effect and be administered and vigorously prosecuted therein. In either case, no further election shall be held in said county under the provisions of this chapter for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein.

**SECTION 5.** Section 67-1-14, Mississippi Code of 1972, is amended as follows:

67-1-14. (1) The legalizing provisions of this chapter may be effective, applicable and operative in any municipality located in a county which has voted against coming out from under the dry law if a local option election shall be called and held in such municipality in the manner and with the results hereinafter provided.

(2) (a) Any municipality in this state having a population of not less than five thousand (5,000) according to the latest federal census and which is located in a county which has voted against coming out from under the dry law, or any municipality that is a county seat and which is located in a county which has voted against coming out from under the dry law, may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale * * * of alcoholic beverages. An election to determine whether such sale * * * shall be permitted in municipalities wherein its sale * * * is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. In like manner, an election to determine whether such sale * * * shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one (1) municipality more often than once in two (2) years.

Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale * * *, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic * * * beverages" and the words "Against the legal sale of alcoholic * * * beverages" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic * * * beverages," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic * * * beverages," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality.

(b) The provisions of this subsection shall also apply to any municipality having a population of not less than six thousand (6,000) according to the latest federal census, a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a

county which has voted in favor of coming out from under the dry law. For the purpose of determining whether or not such a municipality meets the threshold population of six thousand (6,000) which will qualify the municipality to hold an election under this subsection, the entire population of the municipality shall be considered; however, the petition to hold the election authorized in this subsection shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality who reside in that portion of the municipality located in a county which has voted against coming out from under the dry law and the election shall be held only in that portion of the municipality. In all other respects, the authority for the holding of elections and the manner in which such elections shall be conducted shall be as prescribed in paragraph (a) of this subsection; and, after proper certification of election results, the municipal governing authorities shall pass the appropriate order to permit or prohibit the legal sale of alcoholic beverages in that portion of the municipality located in a county which has voted against coming out from under the dry law.

(3) The governing authorities of a municipality that has voted to come out from under the dry * * * law after August 23, 2012, may, by ordinance, provide that alcoholic beverages may be

sold in the municipality only by the holder of an on-premises retailer's permit.

**SECTION 6.** Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell exclusively to the department.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises

only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of

Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of

alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for

consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing

the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being

catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale * * * and distribution * * * of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or

a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical

performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic

beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery

to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned

commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same

household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

**SECTION 7.** Section 67-3-7, Mississippi Code of 1972, is amended as follows:

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority

vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) of the duly qualified electors of such county. No election on

this question can be ordered more often than once in five (5) years.

(2) Nothing in this section shall make it unlawful to possess beer, light spirit product or light wine, as defined herein * * *.

(3) Nothing in this section shall make it unlawful to:

* * *

( * * *a) Sell, distribute and transport light wine, light spirit product or beer to a qualified resort area as defined in Section 67-1-5;

( * * *b) Sell light wine, light spirit product or beer at a qualified resort area as defined in Section 67-1-5 if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;

( * * *c) Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

( * * *d) Transport legally purchased light wine, light spirit product or beer in unopened containers * * *; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his

possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or

( * * *e) Transport homemade beer as authorized in Section 67-3-11.

**SECTION 8.** Section 67-3-11, Mississippi Code of 1972, is amended as follows:

67-3-11. (1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only.

(2) (a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise * * *.

(b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed:

(i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and

(ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household.

(c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances.

**SECTION 9.** Section 67-3-13, Mississippi Code of 1972, is amended as follows:

67-3-13. (1) * * * It shall be lawful to possess beer, light spirit product and light wine throughout the state, unless otherwise prohibited by this chapter. However, nothing herein shall be construed to make lawful the possession of beer, light spirit product or light wine with the intent to sell except as authorized by this chapter.

(2) * * * In any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine, light spirit product and beer when such light wine, light spirit product and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which * * * transportation, storage, sale, distribution, receipt and/or manufacture is lawful.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful:

(a) To receive * * * or store * * * light wine, light spirit product or beer at a resort area as defined in Section 67-1-5;

(b) To distribute and transport light wine, light spirit product or beer to a resort area as defined in Section 67-1-5;

(c) To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;

(d) To transport legally purchased light wine, light spirit product or beer in unopened containers if it is being transported on a state or federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or

(e) To transport homemade beer as authorized in Section 67-3-11.

(4) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18.

**SECTION 10.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1088

**Description:** Alcoholic beverages; allow individuals to purchase wine from a winery and have the wine shipped to a package retailer in this state.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* January 1, 2021

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Ways and Means |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/09 | (H) Amended |
| 4 | 03/09 | (H) Passed As Amended {Vote} |
| 5 | 03/11 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Finance |
| 7 | 06/09 | (S) Title Suff Do Pass As Amended |
| 8 | 06/11 | (S) Amended |
| 9 | 06/11 | (S) Passed As Amended {Vote} |
| 10 | 06/15 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Decline to Concur/Invite Conf |
| 12 | 06/18 | (H) Conferees Named Lamar,Steverson,Massengill |
| 13 | 06/23 | (S) Conferees Named Harkins,Doty,Carter |
| 14 | 06/18 | (H) Conference Report Filed |
| 15 | 06/18 | (S) Conference Report Filed |
| 16 | 06/19 | (H) Conference Report Adopted {Vote} |
| 17 | 06/19 | (S) Conference Report Adopted {Vote} |
| 18 | 06/23 | (H) Enrolled Bill Signed |
| 19 | 06/24 | (S) Enrolled Bill Signed |
| 20 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1088

Conference Reports:

| Conference Report

**Code Section:** A 067-0001-0041, A 067-0001-0043, A 067-0001-0045, A 067-0001-0051

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar
***Additional Authors:*** Hines

***Title:*** AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INDIVIDUAL MAY PURCHASE WINE FROM A WINERY AND HAVE THE WINE PURCHASED SHIPPED INTO THIS STATE SO LONG AS IT IS SHIPPED TO A PACKAGE RETAILER PERMITTEE IN THIS STATE; TO PROVIDE THAT THE PACKAGE RETAILER PERMITTEE SHALL PAY TO THE DEPARTMENT OF REVENUE ALL TAXES, FEES AND SURCHARGES ON THE WINE THAT ARE IMPOSED UPON THE SALE OF WINE SHIPPED BY THE DEPARTMENT; TO AMEND SECTIONS 67-1-43, 67-1-45 AND 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Lamar, Hines To: Ways and Means

HOUSE BILL NO. 1088
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INDIVIDUAL MAY PURCHASE WINE FROM A WINERY AND HAVE THE WINE PURCHASED SHIPPED INTO THIS STATE SO LONG AS IT IS SHIPPED TO A PACKAGE RETAILER PERMITTEE IN THIS STATE; TO PROVIDE THAT THE PACKAGE RETAILER PERMITTEE SHALL PAY TO THE DEPARTMENT OF REVENUE ALL TAXES, FEES AND SURCHARGES ON THE WINE THAT ARE IMPOSED UPON THE SALE OF WINE SHIPPED BY THE DEPARTMENT; TO AMEND SECTIONS 67-1-43, 67-1-45 AND 67-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 67-1-41, Mississippi Code of 1972, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the * * * right to import and sell * * * alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive * * * alcoholic beverages at retail shall purchase any * * * alcoholic beverages from any source other than the department except as authorized in subsections (4) * * *, (9) and (11) of this section. The department may establish

warehouses, purchase * * * alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the * * * alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this chapter.

(2) No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in accordance with authority granted under this chapter, or as otherwise provided by law for native wines.

(3) No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this chapter, or as otherwise provided by law for native wines.

(4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide

forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(5) The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer.

(6) The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department.

(7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.

(8) The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of

package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers.

(9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.

(10) This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.

(11) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and

surcharges on the wine that are imposed upon the sale of wine shipped by the department. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.

(c) Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer

permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.

(d) A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations.

(e) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars ($1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.

(12) If any provision of this chapter, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and

sale of alcoholic beverages through the three-tier regulatory system imposed by this chapter upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.

**SECTION 2.** Section 67-1-43, Mississippi Code of 1972, is amended as follows:

67-1-43. Any authorized retail distributor who shall purchase or receive intoxicating liquor from any source except from the * * * department, unless authorized by rules and regulations of the * * * department promulgated under * * * Section 67-1-41, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), to which may be added imprisonment in the county jail for not more than six (6) months. Any authorization of such person to sell intoxicating beverages may be revoked as provided by law.

**SECTION 3.** Section 67-1-45, Mississippi Code of 1972, is amended as follows:

67-1-45. No manufacturer, rectifier or distiller of * * * alcoholic beverages shall sell or attempt to sell any such * * * alcoholic beverages, except malt liquor, within the State of Mississippi, except to the * * * department, or * * * as provided in Section 67-1-41. A producer of native wine may sell native

wines to the * * * department or to consumers at the location of the native winery or its immediate vicinity.

Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars ($500.00), and not more than Two Thousand Dollars ($2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months.

**SECTION 4.** Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell * * * as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages.

Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common

carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3

manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon

expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be

eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may

receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be

required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale, distribution and possession of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall

authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with

an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be

consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during

private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in

the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted

premises except to the extent otherwise authorized by this chapter.

**SECTION 5.** This act shall take effect and be in force from and after January 1, 2021.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1104

**Description:** Occupational Licensing Review Commission; authorize to review certain existing occupational regulations to determine compliance with state policy.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/17 | (H) | Referred To Accountability, Efficiency, Transparency |
| 2 | 02/26 | (H) | Title Suff Do Pass |
| 3 | 03/05 | (H) | Passed {Vote} |
| 4 | 03/05 | (H) | Motion to Reconsider Entered (Bailey, Boyd, Criswell) |
| 5 | 03/09 | (H) | Motion to Reconsider Tabled |
| 6 | 03/09 | (H) | Transmitted To Senate |
| 7 | 05/11 | (S) | Referred To Accountability, Efficiency, Transparency |
| 8 | 06/09 | (S) | Title Suff Do Pass As Amended |
| 9 | 06/11 | (S) | Amended |
| 10 | 06/11 | (S) | Passed As Amended {Vote} |
| 11 | 06/12 | (S) | Returned For Concurrence |
| 12 | 06/17 | (H) | Concurred in Amend From Senate {Vote} |
| 13 | 06/22 | (H) | Enrolled Bill Signed |
| 14 | 06/23 | (S) | Enrolled Bill Signed |
| 15 | 06/29 | | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1104

**Code Section:** A 073-0047-0005, A 073-0047-0009

**----- Additional Information -----**

***House Committee:*** Accountability, Efficiency, Transparency
***Senate Committee:*** Accountability, Efficiency, Transparency

***Principal Author:*** Turner

**2020 GENERAL LAWS OF MISSISSIPPI HB 1104**

***Title:*** AN ACT TO AMEND SECTION 73-47-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "ACTIVE SUPERVISION" TO INCLUDE REVIEW OF EXISTING REGULATIONS; TO AMEND SECTION 73-47-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE OCCUPATIONAL LICENSING REVIEW COMMISSION TO EXERCISE ACTIVE SUPERVISION OVER EXISTING OCCUPATIONAL REGULATIONS PROMULGATED BY OCCUPATIONAL LICENSING BOARDS; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1104

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2020

By: Representative Turner

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1104
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-47-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "ACTIVE SUPERVISION" TO INCLUDE REVIEW OF EXISTING REGULATIONS; TO AMEND SECTION 73-47-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE OCCUPATIONAL LICENSING REVIEW COMMISSION TO EXERCISE ACTIVE SUPERVISION OVER EXISTING OCCUPATIONAL REGULATIONS PROMULGATED BY OCCUPATIONAL LICENSING BOARDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-47-5, Mississippi Code of 1972, is amended as follows:

73-47-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Active market participant" means an individual who is:

(i) Licensed by an occupational licensing board;

(ii) Provides any service subject to the regulatory authority of an occupational licensing board; or

(iii) Is subject to the jurisdiction of an occupational licensing board;

(b) "Active supervision" means the Occupational Licensing Review Commission * * *:

(i) Shall review the substance of an occupational regulation proposed by any occupational licensing board * * * and * * * approve, disapprove, disapprove with suggested amendment, or allow the occupational licensing board to withdraw for revision such occupational regulation to ensure compliance with state policy; or

(ii) May review, upon its own motion, the substance of an existing occupational regulation promulgated by an occupational licensing board and, if the commission determines the regulation does not comply with the provisions of this chapter, it may, in its discretion: 1. declare that the noncomplying regulation will become invalid sixty (60) days after the date of review, at which time the regulation will cease to have any force of law; or 2. allow the occupational licensing board opportunity to amend the noncomplying regulation to conform with state policy;

(c) "Commission" means the Occupational Licensing Review Commission created in Section 73-47-9;

(d) "State policy" means the policy provided in Section 73-47-7;

(e) "Occupational licensing board" means any state executive branch board, commission, department or other agency that is:

(i) Established for the primary purpose of regulating the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation;

(ii) Authorized to issue and revoke occupational licenses; and

(iii) Controlled by active market participants * * *;

(f) "Occupational regulation" means a rule, regulation, restraint, practice or policy that allows an individual to use an occupational title or work in a lawful occupation. "Occupational regulation" includes registrations, certifications and occupational licenses, and does not include a business license, facility license, building permit or zoning and land use regulation except to the extent those state laws regulate an individual's personal qualifications to perform a lawful occupation;

(g) "Personal qualifications" means the criteria related to an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history and completion of continuing education;

(h) "Registration" means a requirement to give notice to the government that may include the individual's name and

address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. "Registration" does not include personal qualifications, but may require a bond or insurance. Upon the government's receipt of notice, the individual may use "registered" as a designated title. A nonregistered individual may not perform the occupation for compensation or use "registered" as a designated title. Registration is not transferable;

(i) "Certifications" mean a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or the state. Upon approval, the individual may use "certified" as a designated title. A noncertified individual may also perform the occupation for compensation but may not use the title "certified";

(j) "Occupational license" means a nontransferable authorization in law for an individual to exclusively perform a lawful occupation for compensation based on meeting certain personal qualifications. In an occupation for which a license is required, it is illegal for an individual who does not possess a valid occupational license to perform the occupation for compensation; and

(k) "Least restrictive regulation" means, from least to most restrictive:

(i) Market competition;

(ii) Third-party or consumer-created ratings and reviews;

(iii) Private certification;

(iv) Specific private civil cause of action to remedy consumer harm under a deceptive trade practice act;

(v) Regulation of the process of providing the specific goods or services to consumers;

(vi) Inspection;

(vii) Bonding or insurance;

(viii) Registration;

(ix) Government certification; and

(x) Occupational license.

**SECTION 2.** Section 73-47-9, Mississippi Code of 1972, is amended as follows:

73-47-9. (1) There is hereby created the Occupational Licensing Review Commission which shall be composed of the Governor, the Secretary of State and the Attorney General, or his or her respective designee. The Governor shall be the Chairman of the commission and the Secretary of State shall be the Secretary. The commission shall meet quarterly and at such other times as meetings may be called by the chair. A majority of the members shall constitute a quorum at any meeting. Any final action taken by the commission shall require the affirmative vote of a majority of the members. The Office of the Governor shall provide such

support of the commission necessary to accomplish the purposes of this chapter, including, but not limited to, research and clerical assistance. Any department, division, board, bureau, commission or agency of the state shall provide, at the request of the chair of the commission, such assistance and data as will enable the commission to carry out its duties.

(2) The commission shall be responsible for the active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of an occupational regulation promulgated by an occupational licensing board, to include existing occupational regulations promulgated by an occupational licensing board. The active supervision required under this act shall not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

(3) An occupational licensing board must submit any proposed occupational regulation to the commission before the occupational licensing board may file the occupational regulation in the Office of the Secretary of State if the occupational regulation is required to be filed in the Office of the Secretary of State by Chapter 43, Title 25, Mississippi Code of 1972, (Mississippi Administrative Procedures Law), or before the occupational regulation becomes effective if filing is not required.

(4) The commission shall issue resolutions necessary to effectuate the provisions of this chapter, including the process, procedures and timelines that will govern any submission filed in accordance with the chapter. Nothing in this chapter shall be interpreted to subject the commission to any of the administrative procedures of Chapter 43, Title 25, Mississippi Code of 1972, (Mississippi Administrative Procedures Law).

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1134

**Description:** Out-of-State Adoptions; clarify certain provisions regarding.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary A |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/11 | (H) Passed {Vote} |
| 4 | 03/12 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Judiciary, Division A |
| 6 | 05/28 | (S) Title Suff Do Pass As Amended |
| 7 | 06/10 | (S) Amended |
| 8 | 06/10 | (S) Passed As Amended {Vote} |
| 9 | 06/12 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/23 | (H) Conferees Named Cockerham,Reynolds,Beckett |
| 12 | 06/24 | (S) Conferees Named Doty,Branning,Simmons (12th) |
| 13 | 06/29 | (H) Conference Report Filed |
| 14 | 06/29 | (S) Conference Report Filed |
| 15 | 06/30 | (H) Conference Report Adopted {Vote} |
| 16 | 06/30 | (S) Conference Report Adopted {Vote} |
| 17 | 07/02 | (S) Enrolled Bill Signed |
| 18 | 07/02 | (H) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1134

Conference Reports:

| Conference Report

**Code Section:** A 093-0017-0003

**----- Additional Information -----**

***House Committee:*** Judiciary A
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Cockerham
***Additional Authors:*** Faulkner

***Title:*** AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS THAT REGULATE OUT-OF-STATE ADOPTIONS; TO CLARIFY THE ELIGIBILITY OF UNMARRIED OR SEPARATED ADULTS TO ADOPT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Cockerham, Faulkner To: Judiciary A

HOUSE BILL NO. 1134
(As Sent to Governor)

AN ACT TO AMEND SECTION 93-17-3, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS THAT REGULATE OUT-OF-STATE ADOPTIONS; TO CLARIFY THE ELIGIBILITY OF UNMARRIED OR SEPARATED ADULTS TO ADOPT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 93-17-3, Mississippi Code of 1972, is amended as follows:

93-17-3. (1) Except as otherwise provided in this section, a court of this state has jurisdiction over a proceeding for the adoption or readoption of a minor commenced under this chapter if:

(a) Immediately before commencement of the proceeding, the minor lived in this state with a parent, a guardian, a prospective adoptive parent or another person acting as parent, for at least six (6) consecutive months, excluding periods of temporary absence, or, in the case of a minor under six (6) months of age, lived in this state from soon after birth with any of those individuals and there is available in this state substantial evidence concerning the minor's present or future care;

(b) Immediately before commencement of the proceeding, the prospective adoptive parent lived in this state for at least six (6) consecutive months, excluding periods of temporary absence, and there is available in this state substantial evidence concerning the minor's present or future care;

(c) The agency that placed the minor for adoption is licensed in this state and it is in the best interest of the minor that a court of this state assume jurisdiction because:

(i) The minor and the minor's parents, or the minor and the prospective adoptive parent, have a significant connection with this state; and

(ii) There is available in this state substantial evidence concerning the minor's present or future care;

(d) The minor and the prospective adoptive parent or parents are physically present in this state and the minor has been abandoned or it is necessary in an emergency to protect the minor because the minor has been subjected to or threatened with mistreatment or abuse or is otherwise neglected, and the prospective adoptive parent or parents, if not residing in Mississippi, have completed and provided the court with a satisfactory Interstate Compact for Placement of Children (ICPC) home study and accompanying forms;

(e) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs (a) through (d), or another state has declined to

exercise jurisdiction on the ground that this state is the more appropriate forum to hear a petition for adoption of the minor, and it is in the best interest of the minor that a court of this state assume jurisdiction; or

(f) The child has been adopted in a foreign country, the agency that placed the minor for adoption is licensed in this state, and it is in the best interest of the child to be readopted in a court of this state having jurisdiction.

(2) A court of this state may not exercise jurisdiction over a proceeding for adoption of a minor if, at the time the petition for adoption is filed, a proceeding concerning the custody or adoption of the minor is pending in a court of another state exercising jurisdiction substantially in conformity with the Uniform Child Custody Jurisdiction Act or this section unless the proceeding is stayed by the court of the other state.

(3) If a court of another state has issued a decree or order concerning the custody of a minor who may be the subject of a proceeding for adoption in this state, a court of this state may not exercise jurisdiction over a proceeding for adoption of the minor unless:

(a) The court of this state finds that the court of the state which issued the decree or order:

(i) Does not have continuing jurisdiction to modify the decree or order under jurisdictional prerequisites substantially in accordance with the Uniform Child Custody

Jurisdiction Act or has declined to assume jurisdiction to modify the decree or order; or

(ii) Does not have jurisdiction over a proceeding for adoption substantially in conformity with subsection (1)(a) through (d) or has declined to assume jurisdiction over a proceeding for adoption; and

(b) The court of this state has jurisdiction over the proceeding.

(4) Any person may be adopted in accordance with the provisions of this chapter in term time or in vacation by an unmarried adult * * *, by a married person whose spouse joins in the petition, by a married person whose spouse does not join in the petition because such spouse does not cohabit or reside with the petitioning spouse, and in any circumstances determined by the court that the adoption is in the best interest of the child. Only the consenting adult will be a legal parent of the child. The adoption shall be by sworn petition filed in the chancery court of the county in which the adopting petitioner or petitioners reside or in which the child to be adopted resides or was born, or was found when it was abandoned or deserted, or in which the home is located to which the child has been surrendered by a person authorized to so do. The petition shall be accompanied by a doctor's or nurse practitioner's certificate showing the physical and mental condition of the child to be adopted and a sworn statement of all property, if any, owned by

the child. In addition, the petition shall be accompanied by affidavits of the petitioner or petitioners stating the amount of the service fees charged by any adoption agencies or adoption facilitators used by the petitioner or petitioners and any other expenses paid by the petitioner or petitioners in the adoption process as of the time of filing the petition. If the doctor's or nurse practitioner's certificate indicates any abnormal mental or physical condition or defect, the condition or defect shall not, in the discretion of the chancellor, bar the adoption of the child if the adopting parent or parents file an affidavit stating full and complete knowledge of the condition or defect and stating a desire to adopt the child, notwithstanding the condition or defect. The court shall have the power to change the name of the child as a part of the adoption proceedings. The word "child" in this section shall be construed to refer to the person to be adopted, though an adult.

(5) Adoption by couples of the same gender is prohibited.

(6) No person may be placed in the home of or adopted by the prospective adopting parties before a court-ordered or voluntary home study is satisfactorily completed by a licensed adoption agency, a licensed, experienced social worker approved by the chancery court, a court-appointed guardian ad litem that has knowledge or training in conducting home studies if so directed by the court, or by the Department of Human Services on the prospective adoptive parties if required by Section 93-17-11.

(7) No person may be adopted by a person or persons who reside outside the State of Mississippi unless the provisions of the Interstate Compact for Placement of Children (Section 43-18-1 et seq.) have been complied with. In such cases Forms 100A, 100B (if applicable) and evidence of Interstate Compact for Placement of Children approval shall be added to the permanent adoption record file within one (1) month of the placement, and a minimum of two (2) post-placement reports conducted by a licensed child-placing agency shall be provided to the Mississippi Department of * * * Child Protection Services Interstate Compact for Placement of Children office.

(8) No person may be adopted unless the provisions of the Indian Child Welfare Act (ICWA) have been complied with, if applicable. When applicable, proof of compliance shall be included in the court adoption file prior to finalization of the adoption. If not applicable, a written statement or paragraph in the petition for adoption shall be included in the adoption petition stating that the provisions of ICWA do not apply before finalization.

(9) The readoption of a child who has automatically acquired United States citizenship following an adoption in a foreign country and who possesses a Certificate of Citizenship in accordance with the Child Citizenship Act, CAA, Public Law 106-395, may be given full force and effect in a readoption proceeding conducted by a court of competent jurisdiction in this

state by compliance with the Mississippi Registration of Foreign Adoptions Act, Article 9 of this chapter.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1175

**Description:** Chancery court clerk fees; revise those charged for recording oil and gas assignments.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Accountability, Efficiency, Transparency |
| 2 | 03/03 | (H) Title Suff Do Pass Comm Sub |
| 3 | 03/05 | (H) Committee Substitute Adopted |
| 4 | 03/05 | (H) Amended |
| 5 | 03/05 | (H) Passed As Amended {Vote} |
| 6 | 03/09 | (H) Transmitted To Senate |
| 7 | 05/12 | (S) Referred To Energy; Finance |
| 8 | 06/04 | (S) DR - TSDPAA: EN To FI |
| 9 | 06/09 | (S) Title Suff Do Pass As Amended |
| 10 | 06/11 | (S) Amended |
| 11 | 06/11 | (S) Passed As Amended {Vote} |
| 12 | 06/12 | (S) Returned For Concurrence |
| 13 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 14 | 06/22 | (H) Enrolled Bill Signed |
| 15 | 06/23 | (S) Enrolled Bill Signed |
| 16 | 06/29 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1175

**Code Section:** A 025-0007-0009

**----- Additional Information -----**

***House Committee:*** Accountability, Efficiency, Transparency
***Senate Committee:*** Energy, Finance

***Principal Author:*** Powell

***Additional Authors:*** Anthony

***Title:*** AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO REVISE CHANCERY COURT CLERK FEES CHARGED FOR RECORDING EACH OIL AND GAS ASSIGNMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Powell, Anthony

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1175
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-7-9, MISSISSIPPI CODE OF 1972, TO REVISE CHANCERY COURT CLERK FEES CHARGED FOR RECORDING EACH OIL AND GAS ASSIGNMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-7-9, Mississippi Code of 1972, is amended as follows:

25-7-9. (1) The clerks of the chancery courts shall charge the following fees:

(a) For the act of certifying copies of filed documents, for each complete document.....$ 1.00

(b) (i) Recording each deed, will, lease, amendment, subordination, lien, release, cancellation, order, decree, oath, etc., per book and page listed where applicable, each deed of trust, or any other document, for the first five (5) pages .....$ 25.00

(ii) Each additional page.....$ 1.00

(c) (i) Recording oil and gas leases, cancellations, etc., including indexing in general indices; for the first * * * five (5) pages.....$ * * * 25.00

(ii) Recording each oil and gas assignment, amendment of assignment, release, etc., first five (5) pages.....$ 25.00

per additional assignee.....$ 18.00

(iii) Each additional page.....$ 1.00

( * * *iv) Sectional index entries per section or subdivision lot .....$ 1.00

( * * *v) * * * Archive fee.....$ * * * 1.00

(vi) Entering marginal notations, if requested on document or by cover letter, pertaining to the recording of any oil and gas document only per book and page.....$ 4.00

(d) (i) Furnishing copies of any papers of record or on file:

If performed by the clerk or his employee, per page.....$ .50

If performed by any other person, per page.....$ .25

(ii) Entering marginal notations on documents of record.....$ 1.00

(e) For each day's attendance on the board of supervisors, for himself and one (1) deputy, each.....$ 20.00

(f) For other services as clerk of the board of supervisors an allowance shall be made to him (payable semiannually at the July and January meetings) out of the county treasury, an annual sum not exceeding.....$3,000.00

(g) For each day's attendance on the chancery court, to be approved by the chancellor:

For the first chancellor sitting only, clerk and two (2) deputies, each.....$ 85.00

For the second chancellor sitting, clerk only.....$ 85.00

Provided that the fees herein prescribed shall be the total remuneration for the clerk and his deputies for attending chancery court.

(h) On order of the court, clerks and not more than two (2) deputies may be allowed five (5) extra days for each term of court for attendance upon the court to get up records.

(i) For public service not otherwise specifically provided for, the chancery court may by order allow the clerk to be paid by the county on the order of the board of supervisors, an annual sum not exceeding.....$5,000.00

(j) For each civil filing, to be deposited into the Civil Legal Assistance Fund.....$ 5.00

The chancery clerk shall itemize on the original document a detailed fee bill of all charges due or paid for filing, recording and abstracting same. No person shall be required to pay such

fees until same have been so itemized, but those fees may be demanded before the document is recorded.

(2) The following fee shall be a total fee for all services performed by the clerk with respect to any civil case filed that includes, but is not limited to, divorce, alteration of birth or marriage certificate, removal of minority, guardianship or conservatorship, estate of deceased, adoption, land dispute injunction, settlement of small claim, contempt, modification, partition suit, or commitment, which shall be payable upon filing and shall accrue to the chancery clerk at the time of filing. The clerk or his successor in office shall perform all duties set forth without additional compensation or fee.....$ 85.00

(3) For every civil case filed:

(a) An additional fee to be deposited to the credit of the Comprehensive Electronic Court Systems Fund established in Section 9-21-14.....$ 10.00

(b) An additional fee to be deposited to the credit of the Judicial System Operation Fund established in Section 9-21-45.....$ 40.00

(4) Cost of process shall be borne by the issuing party. Additionally, should the attorney or person filing the pleadings desire the clerk to pay the cost to the sheriff for serving process on one (1) person or more, or to pay the cost of

publication, the clerk shall demand the actual charges therefor, at the time of filing.

**SECTION 2.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1253

**Description:** State Fire Academy; designate as an authorized medical first responder training program.

**Fiscal Note:** No fiscal note conducted

**Background Information:**
*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary B |
| 2 | 02/25 | (H) Title Suff Do Pass |
| 3 | 02/26 | (H) Passed {Vote} |
| 4 | 02/27 | (H) Transmitted To Senate |
| 5 | 03/09 | (S) Referred To Accountability, Efficiency, Transparency |
| 6 | 06/08 | (S) Title Suff Do Pass |
| 7 | 06/17 | (S) Amended |
| 8 | 06/17 | (S) Passed As Amended {Vote} |
| 9 | 06/18 | (S) Returned For Concurrence |
| 10 | 06/23 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/24 | (S) Enrolled Bill Signed |
| 12 | 06/24 | (H) Enrolled Bill Signed |
| 13 | 07/01 | Approved by Governor |

**Amendments:**
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1253

**Code Section:** A 045-0011-0007

**----- Additional Information -----**

***House Committee:*** Judiciary B
***Senate Committee:*** Accountability, Efficiency, Transparency

***Principal Author:*** Shanks
***Additional Authors:*** Hale, Miles

***Title:*** AN ACT TO AMEND SECTION 45-11-7, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE STATE FIRE ACADEMY AS AN AUTHORIZED MEDICAL

FIRST RESPONDER TRAINING PROGRAM; TO AUTHORIZE THE STATE FIRE ACADEMY TO PROVIDE TRAINING FOR MEDICAL FIRST RESPONDERS; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1253

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Shanks, Hale, Miles To: Judiciary B

HOUSE BILL NO. 1253
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-11-7, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE STATE FIRE ACADEMY AS AN AUTHORIZED MEDICAL FIRST RESPONDER TRAINING PROGRAM; TO AUTHORIZE THE STATE FIRE ACADEMY TO PROVIDE TRAINING FOR MEDICAL FIRST RESPONDERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 45-11-7, Mississippi Code of 1972, is amended as follows:

45-11-7. (1) There is hereby created a State Fire Academy for the training and education of persons engaged in municipal, county and industrial fire protection. The Commissioner of Insurance shall appoint an Executive Director of the State Fire Academy who, along with his employees, shall be designated as a division of the Insurance Department. The executive director shall serve at the pleasure of the Commissioner of Insurance. The State Fire Academy shall be under the supervision and direction of the Executive Director of the State Fire Academy. State Fire Academy training programs for fire personnel shall be conducted at the academy with seminars to be conducted in other sections of the

state as and when the State Fire Academy Advisory Board considers it necessary and advisable.

The Commissioner of Insurance may establish and charge reasonable fees for the training programs and other services provided by the academy. A record of all funds received pursuant to this paragraph shall be maintained as is required for other monies pursuant to Section 45-11-5.

The Executive Director of the State Fire Academy is authorized and empowered to purchase, operate and maintain mobile firefighting equipment as he may find necessary and proper for the operation of the academy subject to approval of the Commissioner of Insurance. The equipment may be utilized wherever training sessions may be held at the discretion of the State Fire Academy Advisory Board.

(2) The Commissioner of Insurance shall be authorized to undertake appropriate action to accomplish and fulfill the purposes of the State Fire Academy, including the hiring of instructors and personnel, the lease and purchase of appropriate training equipment and to lease, purchase or construct suitable premises and quarters for conducting annual school and seminars, as the State Fire Academy Advisory Board may deem necessary and required for such purposes. Any contract entered into under and by virtue of the provisions of this section shall first be submitted to and approved by the Public Procurement Review Board,

and construction pursuant to the contract shall be under the supervision of the Governor's Office of General Services.

(3) Vouchers for operating expense for the State Fire Academy shall be signed by the Executive Director of the State Fire Academy and payment thereof shall be made from such funds to be derived from a special allocation from the State Fire Academy Fund as provided in Section 45-11-5.

(4) The State Fire Academy is hereby officially designated as the agency of this state to conduct training for fire personnel on a statewide basis in which members of all duly constituted fire departments may participate. This subsection shall not be construed to affect the authority of any fire department to conduct training for its own personnel.

(5) Each state agency, private agency or federal agency which provides training for the fire service shall coordinate such efforts with the State Fire Academy to prevent duplication of cost and to insure standardization of training.

(6) The State Fire Academy shall present an appropriate certificate signifying the successful completion of its prescribed courses.

(7) National firefighter standards approved by the Mississippi Fire Personnel Minimum Standards and Certification Board shall be used as the basis for classroom instruction at the fire academy.

(8) The Commissioner of Insurance, Executive Director of the State Fire Academy, and the Mississippi Fire Personnel Minimum Standards and Certification Board shall coordinate all state programs related to fire department operations.

(9) The Commissioner of Insurance is hereby authorized and empowered to establish standard guidelines for the use of, and accountability for, municipal and county fire protection funds distributed pursuant to the provisions of Sections 83-1-37 and 83-1-39, Mississippi Code of 1972. Such guidelines shall include requirements for the establishment of record keeping and reports to the Commissioner of Insurance by municipalities and counties relating to the receipt and expenditure of fire protection funds, the training of fire department personnel and the submission to the Commissioner of Insurance of other data reasonably related to local fire protection responsibilities which the Commissioner of Insurance deems necessary for the performance of the duties of the State Fire Academy Advisory Board.

(10) In order that the Commissioner of Insurance may more effectively execute the duties imposed upon him by subsection (9) of this section, there is hereby created within the State Fire Academy a Division of Fire Services Development. The division shall be staffed by a Fire Services Development Coordinator, appointed by the executive director of the academy from his current staff and by such other personnel as deemed by the Commissioner of Insurance. The division shall work with municipal

and county fire coordinators to ensure effective implementation of guidelines established pursuant to subsection (9) of this section and shall serve in an advisory capacity for all aspects of fire service improvement. The Fire Service Coordinator shall annually notify the Department of Finance and Administration of those municipalities and counties which are not eligible to receive a portion of fire protection fund distributions because of failure to comply with requirements imposed in Sections 83-1-37 and 83-1-39 as a prerequisite to receipt of such funds.

(11) There is created in the State Treasury a separate account to be known as the "State Fire Academy Construction Fund." The State Treasurer shall transfer on July 1, 1997, the sum of Six Hundred Seventy-five Thousand Dollars ($675,000.00) and on July 1, 1998, the sum of Six Hundred Seventy-five Thousand Dollars ($675,000.00) from the State Fire Academy Fund 3502 into the separate account created in this subsection. Monies in such account shall be expended solely, upon legislative appropriations, to defray expenses related to the construction of capital improvements project known as "Fire Safety and Education Building" and parking areas at the State Fire Academy by the Bureau of Building, Grounds and Real Property Management of the Office of General Services and to pay any indebtedness incurred to accomplish such construction. Funds not used after the completion of this capital improvements project shall be transferred back into State Fund 3502.

(12) [From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

(13) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

(14) The State Fire Academy is designated as an authorized training program for Emergency Medical Response and Emergency Medical Technician, and is authorized to provide initial and national continued competency program training, including Emergency Medical Responder, Emergency Medical Technician-Basic and Emergency Medical Technician-Advanced. The State Fire Academy shall be limited to a total of one hundred twenty (120) students per year for such Emergency Medical Responder, Emergency Medical Technician-Basic and Emergency Medical Technician Advanced training. The training program established by the State Fire Academy shall meet or exceed the requirements of the most current training program national standard curriculum as developed by the United States Department of Transportation, National Highway Traffic Safety Administration, and shall also meet the minimum testing and certification requirements established by the State Board of Health. Successful graduates of the State Fire Academy

Emergency Medical Response and Emergency Medical Technician training shall be eligible for certification by the State Board of Health for the training level achieved, provided that their training meets or exceeds the minimum testing and certification requirements established by the State Board of Health for these respective skills, and such certification may be obtained in coordination with the State Board of Health pursuant to Chapters 59 and 60, Title 41, Mississippi Code of 1972.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1279

**Description:** Memorial highways; designate various throughout the state.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/17 | (H) | Referred To Transportation; Appropriations |
| 2 | 02/20 | (H) | DR - TSDPCS: TR To AP |
| 3 | 02/27 | (H) | DR - TSDPCS: AP To TR |
| 4 | 02/27 | (H) | Title Suff Do Pass Comm Sub |
| 5 | 03/05 | (H) | Committee Substitute Adopted |
| 6 | 03/05 | (H) | Passed {Vote} |
| 7 | 03/09 | (H) | Transmitted To Senate |
| 8 | 05/11 | (S) | Referred To Highways and Transportation |
| 9 | 05/27 | (S) | Title Suff Do Pass As Amended |
| 10 | 06/10 | (S) | Amended |
| 11 | 06/10 | (S) | Passed As Amended {Vote} |
| 12 | 06/12 | (S) | Returned For Concurrence |
| 13 | 06/17 | (H) | Decline to Concur/Invite Conf |
| 14 | 06/22 | (H) | Conferees Named Busby,Arnold,Crudup |
| 15 | 06/22 | (S) | Conferees Named Fillingane,Parks,Whaley |
| 16 | 06/24 | (H) | Conference Report Filed |
| 17 | 06/24 | (S) | Conference Report Filed |
| 18 | 06/25 | (H) | Conference Report Adopted {Vote} |
| 19 | 06/26 | (S) | Conference Report Adopted {Vote} |
| 20 | 06/30 | (H) | Enrolled Bill Signed |
| 21 | 06/30 | (S) | Enrolled Bill Signed |
| 22 | 07/07 | | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1Pending
[S] Amendment No 1 to Committee Amendment No 1Pending
[S] Amendment No 2 to Committee Amendment No 1Pending
[S] Amendment No 3 to Committee Amendment No 1Pending

Amendment Report for House Bill No. 1279
Conference Reports:
Conference Report

**----- Additional Information -----**

***House Committee:*** Transportation, Appropriations
***Senate Committee:*** Highways and Transportation

***Principal Author:*** Currie
***Additional Authors:*** Miles

***Title:*** AN ACT TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 51 IN LINCOLN COUNTY, MISSISSIPPI, IN MEMORY OF FALLEN BROOKHAVEN POLICE OFFICERS CORPORAL WALTER ZACHERY "ZACH" MOAK AND OFFICER JAMES KEVIN WHITE; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 589 IN LAMAR COUNTY, MISSISSIPPI, IN MEMORY OF FALLEN HATTIESBURG POLICE OFFICER BENJAMIN J. DEEN; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 50 IN LOWNDES COUNTY, MISSISSIPPI, AS THE "SENATOR WILLIAM 'BILL' CANON MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 11 IN JONES COUNTY, MISSISSIPPI, AS THE "COACH ELMER HIGGINBOTHAM MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 45 IN ALCORN COUNTY AND PRENTISS COUNTY, MISSISSIPPI, AS THE "SPEAKER WILLIAM J. 'BILLY' MCCOY MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 35 IN JEFFERSON DAVIS COUNTY, MISSISSIPPI, AS THE "H.D. BROOME MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 371 IN ITAWAMBA COUNTY AS THE "JEFF BOREN MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 16 IN LEAKE COUNTY, MISSISSIPPI, AS THE "BLAKE BURGESS MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, AS THE "PINEY WOODS CREEK MEMORIAL HIGHWAY IN RECOGNITION EOW APRIL 1, 1921, DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM"; TO AUTHORIZE A SIGN OR SIGNS TO BE ERECTED ON MISSISSIPPI HIGHWAY 25 IN RANKIN COUNTY, MISSISSIPPI, TO HONOR OLYMPIC GOLD MEDALIST TORI BOWIE; TO CREATE A NEW SECTION IN TITLE 65, CHAPTER 3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS ON INTERSTATE 55 AND MISSISSIPPI HIGHWAY 568 DIRECTING MOTORISTS TO THE LYNYRD SKYNYRD MONUMENT IN PIKE COUNTY, MISSISSIPPI; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 13 IN SCOTT COUNTY, MISSISSIPPI, AS THE "SHEENA MILES, R.N., MEDICAL MEMORIAL BYPASS"; TO REQUIRE THE ERECTION OF SIGNS FOR MAGNOLIA HEIGHTS SCHOOL AT EXIT 263 IN TATE COUNTY, MISSISSIPPI; TO DESIGNATE A PORTION OF HIGHWAY 11 IN JONES COUNTY, MISSISSIPPI, AS THE "TYRONE STEWART MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 302, ALSO KNOWN AS GOODMAN ROAD, IN HORN LAKE, MISSISSIPPI, AS THE "SAM DYE MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF

OLD HIGHWAY 15/SOUTH JACKSON STREET IN HOUSTON, MISSISSIPPI, AS THE "MISSISSIPPI SUPREME COURT CHIEF JUSTICE ARMIS HAWKINS MEMORIAL HIGHWAY"; TO DIRECT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ERECT AND MAINTAIN APPROPRIATE SIGNS ALONG AND APPROACHING THE INTERSECTION OF HIGHWAY DESCRIBED IN HOUSE CONCURRENT RESOLUTION NO. 82, 2019 REGULAR SESSION; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1279

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2020

By: Representatives Currie, Miles

To: Transportation; Appropriations

HOUSE BILL NO. 1279
(As Sent to Governor)

AN ACT TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 51 IN LINCOLN COUNTY, MISSISSIPPI, IN MEMORY OF FALLEN BROOKHAVEN POLICE OFFICERS CORPORAL WALTER ZACHERY "ZACH" MOAK AND OFFICER JAMES KEVIN WHITE; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 589 IN LAMAR COUNTY, MISSISSIPPI, IN MEMORY OF FALLEN HATTIESBURG POLICE OFFICER BENJAMIN J. DEEN; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 50 IN LOWNDES COUNTY, MISSISSIPPI, AS THE "SENATOR WILLIAM 'BILL' CANON MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 11 IN JONES COUNTY, MISSISSIPPI, AS THE "COACH ELMER HIGGINBOTHAM MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF U.S. HIGHWAY 45 IN ALCORN COUNTY AND PRENTISS COUNTY, MISSISSIPPI, AS THE "SPEAKER WILLIAM J. 'BILLY' MCCOY MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 35 IN JEFFERSON DAVIS COUNTY, MISSISSIPPI, AS THE "H.D. BROOME MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 371 IN ITAWAMBA COUNTY AS THE "JEFF BOREN MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 16 IN LEAKE COUNTY, MISSISSIPPI, AS THE "BLAKE BURGESS MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 42 IN GREENE COUNTY, MISSISSIPPI, AS THE "PINEY WOODS CREEK MEMORIAL HIGHWAY IN RECOGNITION EOW APRIL 1, 1921, DEPUTY U.S. MARSHAL JAKE GREEN AND GREENE COUNTY DEPUTY LAWRENCE DUNNAM"; TO AUTHORIZE A SIGN OR SIGNS TO BE ERECTED ON MISSISSIPPI HIGHWAY 25 IN RANKIN COUNTY, MISSISSIPPI, TO HONOR OLYMPIC GOLD MEDALIST TORI BOWIE; TO CREATE A NEW SECTION IN TITLE 65, CHAPTER 3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS ON INTERSTATE 55 AND MISSISSIPPI HIGHWAY 568 DIRECTING MOTORISTS TO THE LYNYRD SKYNYRD MONUMENT IN PIKE COUNTY, MISSISSIPPI; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 13 IN SCOTT COUNTY, MISSISSIPPI, AS THE "SHEENA MILES, R.N., MEDICAL MEMORIAL BYPASS"; TO REQUIRE THE ERECTION OF SIGNS FOR MAGNOLIA HEIGHTS SCHOOL AT EXIT 263 IN TATE COUNTY, MISSISSIPPI; TO DESIGNATE A PORTION OF HIGHWAY 11 IN JONES COUNTY, MISSISSIPPI, AS THE "TYRONE STEWART MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF MISSISSIPPI HIGHWAY 302, ALSO KNOWN AS GOODMAN ROAD, IN HORN LAKE,

MISSISSIPPI, AS THE "SAM DYE MEMORIAL HIGHWAY"; TO DESIGNATE A PORTION OF OLD HIGHWAY 15/SOUTH JACKSON STREET IN HOUSTON, MISSISSIPPI, AS THE "MISSISSIPPI SUPREME COURT CHIEF JUSTICE ARMIS HAWKINS MEMORIAL HIGHWAY"; TO DIRECT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ERECT AND MAINTAIN APPROPRIATE SIGNS ALONG AND APPROACHING THE INTERSECTION OF HIGHWAY DESCRIBED IN HOUSE CONCURRENT RESOLUTION NO. 82, 2019 REGULAR SESSION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The segment of U.S. Highway 51 in Lincoln County, Mississippi, beginning at its intersection at Natchez Avenue and extending north to its intersection with Brookway Boulevard is designated as the "Corporal Zach Moak and Officer James White Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 2.** (1) The segment of Mississippi Highway 589 in Lamar County, Mississippi, beginning one-half (1/2) mile north of its intersection with Victory Road and extending one (1) mile south, is designated as the "Benjamin J. Deen Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 3.** (1) The segment of Mississippi Highway 50 in Lowndes County, Mississippi, in the corporate limits of the City of Columbus, Mississippi, beginning at its intersection with Gardner Boulevard and extending one (1) mile east, is designated as the "Senator William 'Bill' Canon Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 4.** (1) The segment of U.S. Highway 11 in Jones County, Mississippi, beginning at its intersection with Hill Street and extending one (1) mile south, is designated as the "Coach Elmer Higginbotham Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 5.** (1) The segment of U.S. Highway 45 in Alcorn County and Prentiss County, Mississippi, beginning one (1) mile north of the intersection of U.S. Highway 45 and Mississippi Highway 356 and ending two (2) miles south of the intersection of U.S. Highway 45 and Mississippi Highway 356, is designated as the "Speaker William J. 'Billy' McCoy Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 6.** (1) The segment of Mississippi Highway 35 in Jefferson Davis County, Mississippi, beginning at the northern corporate limits of the Town of Bassfield and extending south for one (1) mile, is designated as the "H.D. Broome Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 7.** (1) The segment of Mississippi Highway 371 in Itawamba County, Mississippi, beginning one-half (1/2) mile north of its intersection with Ozark Baptist Church Road and extending south to a point one-half (1/2) mile south of its intersection with Ozark Baptist Church Road, is designated as the "Jeff Boren Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 8.** (1) The segment of Mississippi Highway 16 in Leake County, Mississippi, in the corporate limits of the City of Carthage, Mississippi, beginning at its intersection with Dona Drive and extending west to 1300 Highway 16, is designated as the "Blake Burgess Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 9.** (1) The segment of Mississippi Highway 42 in Greene County, Mississippi, beginning at its southern intersection with Mississippi Highway 63 and extending one (1) mile west, is designated as the "Piney Woods Creek Memorial Highway in

Recognition EOW April 1, 1921, Deputy U.S. Marshal Jake Green and Greene County Deputy Lawrence Dunnam."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

**SECTION 10.** (1) On Mississippi Highway 25 in Rankin County, Mississippi, where the Pisgah and Ross Barnett Reservoir signs are located near the Pisgah exit may be erected a sign or signs that reads as follows: "Home of Tori Bowie, Olympic Gold Medalist, Pisgah High School Graduate."

(2) The sign or signs described in subsection (1) of this section are to be erected in accordance with the Mississippi Department of Transportation's permitting process and must be paid for by Rankin County.

**SECTION 11.** For the purpose of directing motorists to the Lynyrd Skynyrd Monument in Pike County, Mississippi, the Mississippi Department of Transportation shall erect and maintain appropriate signs along certain highway segments approaching the monument as follows:

(a) At Exit 8 of Interstate 55, on both the northbound and the southbound sides, to indicate the turn onto Mississippi Highway 568; and

(b) On Mississippi Highway 568 to indicate the turn onto Easley Road.

**SECTION 12.** Section 11 of this act shall be codified in Title 65, Chapter 3, Mississippi Code of 1972.

**SECTION 13.** (1) That portion of Mississippi Highway 13 Bypass located in Scott County within the corporate limits of the City of Morton, Mississippi, is designated and shall be known as the "Sheena Miles, R.N., Medical Memorial Bypass."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

**SECTION 14.** The Mississippi Department of Transportation shall erect and maintain appropriate signs indicating the location of Magnolia Heights School at the northbound and southbound lanes of Interstate 55 in Tate County, Mississippi, approaching Exit 263, which is the interchange of Interstate 55 and Mississippi Highway 740.

**SECTION 15.** (1) That portion of Highway 11 in Jones County, Mississippi, beginning at its intersection with Magnolia Road and extending southward for one (1) mile, is designated and shall be known as the "Tyrone Stewart Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

**SECTION 16.** (1) That portion of Mississippi Highway 302, also known as Goodman Road, in Horn Lake, Mississippi, beginning at its intersection with U.S. Highway 51 and extending eastward to

its intersection with Interstate 55, is designated and shall be known as the "Sam Dye Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

**SECTION 17.** (1) That portion of Old Highway 15/South Jackson Street in Houston, Mississippi, beginning at its intersection with Mississippi Highway 389 and extending northward to its intersection with Mississippi Highway 8, is designated and shall be known as the "Mississippi Supreme Court Chief Justice Armis Hawkins Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the portion of highway described in subsection (1) of this section.

**SECTION 18.** The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the intersection of highway described in House Concurrent Resolution No. 82, 2019 Regular Session.

**SECTION 19.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1286

**Description:** Service of summons in youth courts; shall be made pursuant to the Uniform Rules of the Youth Court Practice.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary A |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/11 | (H) Passed {Vote} |
| 4 | 03/12 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Judiciary, Division A |
| 6 | 05/28 | (S) Title Suff Do Pass |
| 7 | 06/15 | (S) Amended |
| 8 | 06/15 | (S) Passed As Amended {Vote} |
| 9 | 06/16 | (S) Returned For Concurrence |
| 10 | 06/24 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/25 | (H) Enrolled Bill Signed |
| 12 | 06/25 | (S) Enrolled Bill Signed |
| 13 | 07/02 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1286

**Code Section:** A 043-0021-0505

**----- Additional Information -----**

***House Committee:*** Judiciary A
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Cockerham

***Title:*** AN ACT TO AMEND SECTION 43-21-505, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SERVICE OF PROCESS IN YOUTH COURT SHALL BE MADE PURSUANT TO THE UNIFORM RULES OF YOUTH COURT PRACTICE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Cockerham To: Judiciary A

HOUSE BILL NO. 1286
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-505, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SERVICE OF PROCESS IN YOUTH COURT SHALL BE MADE PURSUANT TO THE UNIFORM RULES OF YOUTH COURT PRACTICE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 43-21-505, Mississippi Code of 1972, is amended as follows:

43-21-505. * * * Service of summons must conform to the Uniform Rules of Youth Court Practice.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1295

**Description:** The "Life Equality Act"; create to prohibit abortion based on certain factors.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary B |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/11 | (H) Read the Third Time |
| 4 | 03/12 | (H) Amended |
| 5 | 03/12 | (H) Point of Order Raised |
| 6 | 03/12 | (H) Point of Order-Not Well Taken |
| 7 | 03/12 | (H) Passed As Amended {Vote} |
| 8 | 03/17 | (H) Transmitted To Senate |
| 9 | 05/11 | (S) Referred To Judiciary, Division B |
| 10 | 06/09 | (S) Title Suff Do Pass As Amended |
| 11 | 06/17 | (S) Amended |
| 12 | 06/17 | (S) Passed As Amended {Vote} |
| 13 | 06/17 | (S) Motion to Reconsider Entered |
| 14 | 06/18 | (S) Motion to Reconsider Tabled |
| 15 | 06/18 | (S) Returned For Concurrence |
| 16 | 06/23 | (H) Concurred in Amend From Senate {Vote} |
| 17 | 06/24 | (S) Enrolled Bill Signed |
| 18 | 06/24 | (H) Enrolled Bill Signed |
| 19 | 07/01 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2Lost{Vote}
[S] Amendment No 3Lost Voice Vote
Amendment Report for House Bill No. 1295

**----- Additional Information -----**

***House Committee:*** Judiciary B
***Senate Committee:*** Judiciary, Division B

## 2020 GENERAL LAWS OF MISSISSIPPI HB 1295

***Principal Author:*** Crawford

***Additional Authors:*** Williamson, Hobgood-Wilkes, Carpenter, Arnold, Criswell, Scoggin, McLean, Hopkins, Brown (20th), Eubanks, Barnett, Owen, Newman, Boyd

***Title:*** AN ACT TO CREATE THE "LIFE EQUALITY ACT OF 2020"; TO STATE LEGISLATIVE FINDINGS AND PURPOSE; TO DEFINE TERMS; TO PROHIBIT ABORTIONS BEING PERFORMED BECAUSE OF RACE, SEX OR GENETIC ABNORMALITY EXCEPT IN A MEDICAL EMERGENCY; TO REQUIRE THE PHYSICIAN PERFORMING AN ABORTION TO NOTATE IN A REPORT THAT THE ABORTION IS NOT SOUGHT BECAUSE OF RACE, SEX OR THE PRESENCE OF A GENETIC ABNORMALITY; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO CREATE THE FORMS NECESSARY FOR THE REPORTS UNDER THIS ACT; TO PROVIDE CRIMINAL PENALTIES, PROFESSIONAL SANCTIONS AND CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING AN ENFORCEMENT ACTION ON BEHALF OF THE STATE DEPARTMENT OF HEALTH OR THE STATE BOARD OF MEDICAL LICENSURE; TO PROVIDE THAT NOTHING IN THE ACT CREATES OR RECOGNIZES A RIGHT TO AN ABORTION; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1295

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Crawford, Williamson, Hobgood-Wilkes, Carpenter, Arnold, Criswell, Scoggin, McLean, Hopkins, Brown (20th), Eubanks, Barnett, Owen, Newman, Boyd

To: Judiciary B

HOUSE BILL NO. 1295
(As Sent to Governor)

AN ACT TO CREATE THE "LIFE EQUALITY ACT OF 2020"; TO STATE LEGISLATIVE FINDINGS AND PURPOSE; TO DEFINE TERMS; TO PROHIBIT ABORTIONS BEING PERFORMED BECAUSE OF RACE, SEX OR GENETIC ABNORMALITY EXCEPT IN A MEDICAL EMERGENCY; TO REQUIRE THE PHYSICIAN PERFORMING AN ABORTION TO NOTATE IN A REPORT THAT THE ABORTION IS NOT SOUGHT BECAUSE OF RACE, SEX OR THE PRESENCE OF A GENETIC ABNORMALITY; TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO CREATE THE FORMS NECESSARY FOR THE REPORTS UNDER THIS ACT; TO PROVIDE CRIMINAL PENALTIES, PROFESSIONAL SANCTIONS AND CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AUTHORIZE THE ATTORNEY GENERAL TO BRING AN ENFORCEMENT ACTION ON BEHALF OF THE STATE DEPARTMENT OF HEALTH OR THE STATE BOARD OF MEDICAL LICENSURE; TO PROVIDE THAT NOTHING IN THE ACT CREATES OR RECOGNIZES A RIGHT TO AN ABORTION; TO PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1. Title.** This act shall be known and may be cited as the "Life Equality Act of 2020."

**SECTION 2. Legislative findings and purpose.** (1) The Legislature finds:

(a) The United States Supreme Court has been "zealous in vindicating the rights of people even potentially subjected to race, sex, and disability discrimination." *Box v. Planned Parenthood of Indiana and Kentucky*, 139 S.Ct. 1780, 1792 (2019)

(Thomas J., concurring) (citing Pena-Rodriguez v. Colorado, 580 U.S. ___, ___ (2017) (slip op., at 15) (condemning "discrimination on the basis of race" as "'odious in all aspects'"); *United States v. Virginia*, 518 U.S. 515, 532 (1996) (denouncing any "law or official policy [that] denies to women, simply because they are women...equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities"); *Tennessee v. Lane*, 541 U.S. 509, 522 (2004) (condemning "irrational disability discrimination")).

(b) The inherent right against discrimination on the basis of race, sex, or genetic abnormality is protected in federal and state laws. For example, the 1964 Civil Rights Act (42 U.S.C. 2000e et seq.) and the laws of every state protect against discrimination on the basis of race or sex. The Rehabilitation Act of 1973 (29 U.S.C. 701), the Americans With Disabilities Amendments Act of 2010 (42 U.S.C. 12101, et seq.), and numerous state laws prohibit discrimination against individuals on the basis of a real or perceived physical or mental impairment that substantially limits one or more major life activities.

(c) Notwithstanding these protections, unborn human beings are often discriminated against and deprived of life.

(d) As Supreme Court Justice Clarence Thomas has noted, "Each of the immutable characteristics protected by this law can be known relatively early in a pregnancy, and this law prevents them from becoming the sole criterion for deciding whether the

child will live or die." *Box v. Planned Parenthood of Indiana and Kentucky*, 139 S.Ct. 1780, 1783 (2019) (Thomas, J., concurring).

(e) "Abortion is an act rife with the potential for eugenic manipulation." *Id.* at 1787.

(f) The State of Mississippi maintains a "compelling interest in preventing abortion from becoming a tool of modern-day eugenics." *Id.*

(g) Sex-selection abortions are used to prevent the birth of a human being of the undesired sex. Its victims are overwhelming female.

(h) Despite equality under the law being guaranteed to all women in the United States and most of the developed world, sex-selection abortions continue to occur in the United States.

(i) Abortions predicated on the presence or presumed presence of genetic abnormalities continue to occur despite the increasingly favorable post-natal outcomes for human beings perceived as handicapped or disabled. Pharmaceutical treatments, gene therapies, and prosthetic advances have given formerly handicapped and disabled human beings much greater opportunities for survival and success than ever before. Importantly, surgical intervention now includes the availability of intrauterine surgery.

(2) Therefore, it is the intent of the Mississippi Legislature, through this act and any regulations and policies promulgated hereunder, to prohibit the practice of nontherapeutic

or elective abortion for the purpose of terminating the life of an unborn human being because of that human being's race, sex, or the presence or presumed presence of a genetic abnormality.

**SECTION 3. Definitions.** As used in this section:

(a) "Abortion" means the use or prescription of an instrument, medicine, drug, or other substance or device with the intent to terminate a clinically diagnosable pregnancy for reasons other than to increase the probability of a live birth, to preserve the life or health of the unborn human being, to terminate an ectopic pregnancy, or to remove a dead unborn human being.

(b) "Attempt to perform or induce an abortion" means to do or omit anything that, under the circumstances as the person believes them to be, is an act or omission that constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in violation of this section.

(c) "Because of race" means on account of the actual or presumed race or racial makeup of the unborn human being.

(d) "Because of the presence of a genetic abnormality" means on account of the presence or presumed presence of an abnormal gene expression in the unborn human being, including, but not limited to, chromosomal disorders or morphological malformations occurring as the result of defective gene expression.

(e) "Because of sex" means on account of the actual or presumed sex of the unborn human being.

(f) "Conception" means the fusion of human spermatozoon with a human ovum.

(g) "Department" means the Mississippi State Department of Health.

(h) "Human being" means an individual member of the species Homo sapiens, from and after the point of conception.

(i) "Major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, and bladder, bowel, brain, circulatory, digestive, endocrine, neurological, reproductive, and respiratory functions.

(j) "Medical emergency" means a condition in which, on the basis of the physician's good-faith clinical judgment, an abortion is necessary to preserve the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition arising from the pregnancy itself, or when the continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function.

(k) "Physician" or "referring physician" means a person licensed to practice medicine in the State of Mississippi.

**SECTION 4. Abortion may not be performed because of race, sex, or genetic abnormality except in a medical emergency.** (1)

Except in a medical emergency as defined in paragraph (j) of Section 3 of this act, a person shall not perform, induce or attempt to perform or induce an abortion unless the physician who is to perform or induce the abortion has first confirmed that the abortion is not being sought because of the race or sex of the unborn human being or because of the presence or presumed presence of a genetic abnormality and documented these facts in the maternal patient's chart, as well as in the report to be filed with the department as set forth in subsection (4) of this section.

(2) Except in a medical emergency as defined in paragraph (j) of Section 3 of this act, a person shall not intentionally or knowingly perform, induce or attempt to perform or induce an abortion of an unborn human being if the abortion is being sought because of the actual or presumed race or sex of the unborn human being or because of the presence or presumed presence of a genetic abnormality.

(3) In every case in which a physician performs or induces an abortion on an unborn human being, the physician shall within fifteen (15) days of the procedure cause to be filed with the department, on a form supplied by the department, a report containing the following information:

(a) Date the abortion was performed;

(b) Specific method of abortion used;

(c) Whether the race of, sex of, or the presence or presumed presence of any genetic abnormality in the unborn human being had been detected at the time of the abortion by genetic testing (such as by maternal serum tests) or ultrasound (such as by nuchal translucency screening (NT)), or by other forms of testing;

(d) A statement confirming that the reason for the abortion, as stated by the maternal patient, was not because of the unborn human being's actual or presumed race or sex or the presence or presumed presence of any genetic abnormality; and

(e) Probable health consequences of the abortion and specific abortion method used.

The physician shall sign the form as his or her attestation under oath that the information stated thereon is true and correct to the best of his or her knowledge.

(4) Reports required and submitted under subsection (3) of this section shall not contain the name of the maternal patient upon whom the abortion was performed or any other information or identifiers that would make it possible to identify, in any manner or under any circumstances, a woman who obtained or sought to obtain an abortion.

**SECTION 5. Reporting forms.** The department shall create the forms required by this section within thirty (30) days after the effective date of this section. No provision of this act requiring the reporting of information on forms published by the

department shall be applicable until ten (10) days after the requisite forms have been made available or July 1, 2020, whichever is later.

**SECTION 6. Criminal penalties.** (1) Any person who intentionally or knowingly violates the prohibitions in Section 4(1) and/or (2) of this act shall be guilty of a felony and shall, upon conviction, be imprisoned in the custody of the Department of Corrections not less than one (1) nor more than ten (10) years.

(2) A woman upon whom an abortion is performed, induced, or attempted in violation of this Section 6 of this act shall not be prosecuted for conspiracy to commit any violation of this Section 6 of this act.

**SECTION 7. Professional sanction and civil penalties.** (1) A physician who intentionally or knowingly violates the prohibitions in Section 4(1) and/or (2) of this act commits an act of unprofessional conduct and his or her license to practice medicine in the State of Mississippi shall be suspended or revoked pursuant to action by the Mississippi State Board of Medical Licensure.

(2) A physician who knowingly or intentionally delivers to the Department any report required by Section 4 of this act and known by him or her to be false shall be subject to a civil penalty or fine up to Five Hundred Dollars ($500.00) per violation imposed by the department.

**SECTION 8. Additional enforcement.** The Attorney General shall have authority to bring an action in law or equity to enforce the provisions of this act on behalf of the Director of the Mississippi State Department of Health or the Mississippi State Board of Medical Licensure. The Mississippi State Board of Medical Licensure shall also have authority to bring such action on its own behalf.

**SECTION 9. Construction.** Nothing in this act shall be construed as creating or recognizing a right to abortion or as altering generally accepted medical standards. It is not the intention of this act to make lawful an abortion that is otherwise unlawful. An abortion that complies with this act, but violates any other state law, is unlawful. An abortion that complies with another state law, but violates this act is unlawful.

**SECTION 10. Severability.** (1) It is the intent of the Legislature that every provision of this act shall operate with equal force and shall be severable one from the other and that, in the event that any provision of this act shall be held invalid or unenforceable by a court of competent jurisdiction, the provision shall be severable and the remaining provisions of this act shall be fully enforceable.

(2) In the event that any provision of this act shall be held invalid or unenforceable by a court of competent jurisdiction, the other sections shall remain in effect. If some or all of the provisions of this act are ever temporarily or

permanently restrained or enjoined by judicial order, all other provisions of Mississippi law regulating or restricting abortion shall be enforced as though the restrained or enjoined provisions had not been adopted; however, whenever the temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the provisions of this act shall have full force and effect.

(3) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), regarding the context of determining the severability of a state section of law regulating abortion, the United States Supreme Court held that an explicit statement of legislative intent is controlling. Accordingly, it is the intent of the Legislature that every provision, section, subsection, paragraph, sentence, clause, phrase or word in this act and every application of the provisions in this act is severable from each other. If any application of any provision in this act to any person, group of persons, or circumstances is found by a competent court to be invalid, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected. All constitutionally valid applications of this act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the Legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this statute to impose an undue burden in a large or

substantial fraction of relevant cases, the applications that do not represent an undue burden shall be severed from the remaining provisions and shall remain in force, and shall be treated as if the Legislature had enacted a section limited to the persons, group of persons, or circumstances for which the section's application does not present an undue burden. The Legislature further declares that it would have passed this act and each provision, section, subsection, paragraph, sentence, clause, phrase or word, and all constitutional applications of this act, without regard to the fact that any provision, section, subsection, paragraph, sentence, clause, phrase or word, or applications of this act, were to be declared unconstitutional or to represent an undue burden.

(4) If this act is found by any competent court to be invalid or to impose an undue burden as applied to any person, group of persons, or circumstances, the prohibition shall apply to that person or group of persons or circumstances on the earliest date on which this section can be constitutionally applied.

(5) If any provisions of this section are found by a competent court to be unconstitutionally vague, then the applications of the provision that do not present constitutional vagueness problems shall be severed and remain in force.

**SECTION 11.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1336

**Description:** "Mississippi Learn to Earn Act"; enact to authorize the earning of graduation credit through apprenticeships and other alternative courses.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Education |
| 2 | 03/03 | (H) Title Suff Do Pass |
| 3 | 03/11 | (H) Read the Third Time |
| 4 | 03/12 | (H) Passed {Vote} |
| 5 | 03/13 | (H) Transmitted To Senate |
| 6 | 05/11 | (S) Referred To Education |
| 7 | 05/28 | (S) Title Suff Do Pass As Amended |
| 8 | 06/10 | (S) Amended |
| 9 | 06/10 | (S) Passed As Amended {Vote} |
| 10 | 06/12 | (S) Returned For Concurrence |
| 11 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/22 | (H) Enrolled Bill Signed |
| 13 | 06/23 | (S) Enrolled Bill Signed |
| 14 | 06/29 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1336

**----- Additional Information -----**

***House Committee:*** Education
***Senate Committee:*** Education

***Principal Author:*** McCarty
***Additional Authors:*** Owen, Kinkade, Paden

***Title:*** AN ACT TO ESTABLISH THE "MISSISSIPPI LEARN TO EARN ACT"; TO DEFINE TERMS; TO REQUIRE THE STATE BOARD OF EDUCATION, IN CONJUNCTION WITH THE DEPARTMENT OF EMPLOYMENT SECURITY,

THE STATE WORKFORCE INVESTMENT BOARD AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO IDENTIFY HIGH-SCHOOL-TO-WORK APPRENTICESHIPS AND OTHER STUDENT INTERNSHIP PROGRAMS THAT MAY BE ELIGIBLE FOR EXEMPTIONS FROM FEDERAL AND STATE LABOR LAWS AND REGULATIONS FOR WHICH EXEMPTIONS ARE AVAILABLE FOR STUDENT APPRENTICESHIP PROGRAMS, AND ESTABLISH PROCEDURES BY WHICH SUCH EXEMPTIONS MAY BE OBTAINED BY SUCH PROGRAMS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SUBSTITUTE INDUSTRY CERTIFICATION AND STATE LICENSURE EXAMINATIONS FOR ANY OTHER STATE ASSESSMENTS FOR THE PURPOSE OF AWARDING ELECTIVE CREDIT FOR CAREER AND TECHNICAL EDUCATION COURSES; TO ALLOW A STUDENT WHO EARNS CREDIT UPON COMPLETION OF A REGISTERED APPRENTICESHIP PROGRAM TO USE SUCH CREDIT TO SATISFY HIGH SCHOOL GRADUATION REQUIREMENTS; TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP GUIDELINES FOR THE ESTABLISHMENT OF HIGH-SCHOOL-TO-WORK APPRENTICESHIPS BETWEEN PUBLIC HIGH SCHOOLS AND LOCAL BUSINESSES; TO REQUIRE THE STATE BOARD OF EDUCATION TO AUTHORIZE LOCAL SCHOOL BOARDS TO DEVELOP AN EXTENDED LEARNING OPPORTUNITY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES AVAILABLE TO STUDENTS IN GRADE 9 THROUGH GRADE 12 AND TO ADOPT A POLICY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR COURSE CREDIT THAT RECOGNIZES LEARNING OPPORTUNITIES OUTSIDE OF THE TRADITIONAL CLASSROOM; TO PROVIDE FOR A TWO-TIERED APPLICATION PROCESS FOR THE IMPLEMENTATION OF ALTERNATIVE LEARNING COURSES, PROGRAM OR OPPORTUNITIES AND APPRENTICESHIPS IN LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE AN ANNUAL REPORT ON DISTRICTS PROVIDING ALTERNATIVE COURSES, PROGRAMS AND OPPORTUNITIES OR APPRENTICESHIPS; TO REQUIRE STATE LICENSING AUTHORITIES TO GRANT A LICENSE TO ANY STUDENT APPLICANT WHO PARTICIPATES IN AN ALTERNATIVE LEARNING COURSE, PROGRAM OR OPPORTUNITY OR APPRENTICESHIP PROGRAM AND SATISFIES THE LICENSING REQUIREMENT FOR SAID OCCUPATION UPON CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1336

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives McCarty, Owen, Kinkade, Paden

To: Education

HOUSE BILL NO. 1336
(As Sent to Governor)

AN ACT TO ESTABLISH THE "MISSISSIPPI LEARN TO EARN ACT"; TO DEFINE TERMS; TO REQUIRE THE STATE BOARD OF EDUCATION, IN CONJUNCTION WITH THE DEPARTMENT OF EMPLOYMENT SECURITY, THE STATE WORKFORCE INVESTMENT BOARD AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO IDENTIFY HIGH-SCHOOL-TO-WORK APPRENTICESHIPS AND OTHER STUDENT INTERNSHIP PROGRAMS THAT MAY BE ELIGIBLE FOR EXEMPTIONS FROM FEDERAL AND STATE LABOR LAWS AND REGULATIONS FOR WHICH EXEMPTIONS ARE AVAILABLE FOR STUDENT APPRENTICESHIP PROGRAMS, AND ESTABLISH PROCEDURES BY WHICH SUCH EXEMPTIONS MAY BE OBTAINED BY SUCH PROGRAMS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SUBSTITUTE INDUSTRY CERTIFICATION AND STATE LICENSURE EXAMINATIONS FOR ANY OTHER STATE ASSESSMENTS FOR THE PURPOSE OF AWARDING ELECTIVE CREDIT FOR CAREER AND TECHNICAL EDUCATION COURSES; TO ALLOW A STUDENT WHO EARNS CREDIT UPON COMPLETION OF A REGISTERED APPRENTICESHIP PROGRAM TO USE SUCH CREDIT TO SATISFY HIGH SCHOOL GRADUATION REQUIREMENTS; TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP GUIDELINES FOR THE ESTABLISHMENT OF HIGH-SCHOOL-TO-WORK APPRENTICESHIPS BETWEEN PUBLIC HIGH SCHOOLS AND LOCAL BUSINESSES; TO REQUIRE THE STATE BOARD OF EDUCATION TO AUTHORIZE LOCAL SCHOOL BOARDS TO DEVELOP AN EXTENDED LEARNING OPPORTUNITY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES AVAILABLE TO STUDENTS IN GRADE 9 THROUGH GRADE 12 AND TO ADOPT A POLICY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR COURSE CREDIT THAT RECOGNIZES LEARNING OPPORTUNITIES OUTSIDE OF THE TRADITIONAL CLASSROOM; TO PROVIDE FOR A TWO-TIERED APPLICATION PROCESS FOR THE IMPLEMENTATION OF ALTERNATIVE LEARNING COURSES, PROGRAM OR OPPORTUNITIES AND APPRENTICESHIPS IN LOCAL SCHOOL DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE AN ANNUAL REPORT ON DISTRICTS PROVIDING ALTERNATIVE COURSES, PROGRAMS AND OPPORTUNITIES OR APPRENTICESHIPS; TO REQUIRE STATE LICENSING AUTHORITIES TO GRANT A LICENSE TO ANY STUDENT APPLICANT WHO PARTICIPATES IN AN ALTERNATIVE LEARNING COURSE, PROGRAM OR OPPORTUNITY OR APPRENTICESHIP PROGRAM AND SATISFIES THE LICENSING

REQUIREMENT FOR SAID OCCUPATION UPON CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** This act shall be known, and may be cited as the "Mississippi Learn to Earn Act."

**SECTION 2.** As used in this act, the following terms shall have the meaning ascribed in this section, unless the context requires otherwise:

(a) "Alternative learning course" or "alternative course, program or opportunity" means a sequence of instruction over a period of time that meets reasonably equivalent requirements or competencies of a subject or subjects included in the career and technical education curriculum included in the College and Career Readiness Standards, which results in the granting of a credit leading to high school graduation.

(b) "Apprenticeship" means:

(i) A program that meets the federal guidelines set out in 29 CFR Part 29, including Industry Programs; or

(ii) An apprenticeship program that already exists or created by a Mississippi statute, rule or licensing authority.

(c) "Board" means the State Board of Education.

(d) "Department" means the State Department of Education.

(e) "Licensing" means any required training, education, or fee to work in a specific profession.

(f) "Licensing authority" means an agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession.

(g) "Sponsoring organization" means any business, industry, whether public or private, nonprofit organization, for-profit organization or other appropriate entities that partner with a local school district or multiple districts to provide alternative learning courses through apprenticeships, internships or pre-apprenticeships, subject to guidelines prescribed by the State Board of Education.

**SECTION 3.** The State Board of Education, in conjunction with the Department of Employment Security, the State Workforce Investment Board, the Mississippi Community College Board, and any relevant licensing authority shall identify high-school-to-work apprenticeships and other student internship programs that may be eligible for exemptions from those federal and state labor laws and regulations for which exemptions are available for student apprenticeship programs. The State Board of Education, the Department of Employment Security, the State Workforce Investment Board and the Mississippi Community College Board shall also establish procedures by which such exemptions may be obtained for high-school-to-work apprenticeships and other student internship programs.

**SECTION 4.** (1) For the 2021-2022 school term, the State Board of Education shall promulgate a rule by December 31, 2020, authorizing local school boards, in their discretion, to develop an Extended Learning Opportunity to include alternative educational opportunities available to students in Grade 9 through Grade 12, which are provided through apprenticeships, internships or pre-apprenticeships for elective course credit.

(2) Each local school board may adopt an Extended Learning Opportunities policy to include alternative educational opportunities for course credit that recognizes learning opportunities outside of the traditional classroom through apprenticeships, internships or pre-apprenticeships, and grants elective credit for those alternative learning opportunities. If adopted the policy shall:

(a) Provide for an application process for entities to submit proposals for alternative educational opportunities that will qualify for elective course credit;

(b) Define which entities are eligible to submit applications for alternative educational opportunities, which such entities shall include, but not be limited to:

(i) Nonprofit organizations;

(ii) Businesses with established locations in the state;

(iii) Trade associations;

(iv) Parents of students involved in programs that may otherwise qualify for alternative educational opportunities;

(v) Teachers involved in programs outside of the traditional classroom; and

(vi) School personnel involved in programs outside of the traditional classroom.

(c) Provide for the criteria used to evaluate the alternative educational opportunity;

(d) Describe any communication and collaboration needed with local school districts to implement alternative educational opportunities approved by the State Board of Education;

(e) Place requirements on the entity such as background checks for key personnel and minimum accountability standards; and

(f) Provide a process for student credit transfer.

(3) The local school board is authorized to approve or deny an application for an alternative educational opportunity. If an application is approved by the school board, the application shall be submitted to the State Board of Education for review as provided in Section 6 of this act, prior to the implementation of the program within the local school district.

(4) The State Department of Education shall have the authority to audit approved alternative educational programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this act or the policy

outlined in subsection (2) of this section, then the local school board shall disqualify the program immediately.

**SECTION 5.** (1) (a) Following the adoption of the rule required in Section 4 of this act, the department shall accept applications from local school districts for the implementation of alternative courses, programs and opportunities or apprenticeship programs. The department shall require an application for each alternative course, program or opportunity or apprenticeship program approved by a local school board to be implemented in its school district.

(b) Upon receipt of an application, the department shall have ninety (90) days to approve or deny the application. Any denied application shall be returned to the submitting local school board and shall include an explanation of the reasons for denial of the application.

(2) The State Department of Education shall provide an annual report detailing the progress that has been made in each school district in providing alternative courses, programs and opportunities or apprenticeships. The report shall be provided to the Chairmen of the Senate and House Education Committees no later than December 1 of each year, beginning December 1, 2021. The report also shall be provided to the other members of the Legislature upon request and posted on the department's website for the general public to view.

**SECTION 6.** (1) Beginning with the effective date of this act, a licensing authority shall grant a license to any student applicant who participates in an alternative learning course, program or opportunity or apprenticeship program, and who meets the following criteria:

(a) Completed an apprenticeship in the licensed occupation or profession;

(b) Attained a satisfactory industry certification score on the WorkKeys assessment, if such assessment is a required component of the alternative course or apprenticeship;

(c) Passed an examination, if one is deemed to be necessary by the licensing authority; and

(d) Paid any fees deemed necessary by the licensing authority.

(2) Licensing authorities shall establish a passing score for their respective examinations which shall not exceed the passing score that is required under the standard licensing processes. If the relevant licensing authority or provision of law does not require an examination for the standard licensing process for an occupation, no examination may be required for applicants who complete an apprenticeship in that occupation.

(3) Licensing authorities shall establish a licensing fee, which shall not exceed the licensing fee that is required under the standard licensing processes. If the relevant licensing authority or state does not require a fee for the standard

licensing process for an occupation, no fee can be required for applicants who complete an apprenticeship in that occupation.

(4) Except as otherwise required by federal law, apprenticeships for an occupation shall not be required to exceed the number of hours required by the relevant licensing authority or statute for that occupation.

(5) Licensing authorities shall adopt necessary rules for the implementation of this section.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1371

**Description:** DPS division of driver services; make various revisions regarding.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Transportation |
| 2 | 02/26 | (H) Title Suff Do Pass |
| 3 | 02/27 | (H) Passed {Vote} |
| 4 | 02/28 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Highways and Transportation |
| 6 | 05/27 | (S) Title Suff Do Pass As Amended |
| 7 | 06/15 | (S) Amended |
| 8 | 06/15 | (S) Passed As Amended {Vote} |
| 9 | 06/16 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Decline to Concur/Invite Conf |
| 11 | 06/22 | (H) Conferees Named Busby,Massengill,Mangold |
| 12 | 06/22 | (S) Conferees Named Fillingane,Parks,DeLano |
| 13 | 06/26 | (S) Conference Report Filed |
| 14 | 06/26 | (H) Conference Report Filed |
| 15 | 06/28 | (H) Conference Report Adopted {Vote} |
| 16 | 06/29 | (S) Conference Report Adopted {Vote} |
| 17 | 07/01 | (H) Enrolled Bill Signed |
| 18 | 07/02 | (S) Enrolled Bill Signed |
| 19 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1371

Conference Reports:

| Conference Report

**Code Section:** A 063-0001-0013, A 063-0001-0016, A 063-0001-0035, A 045-0035-0003, A 063-0001-0033, A 063-0001-0043, A 063-0001-0047, A 063-0001-0208, A 063-0001-0211, A 045-0033-0025, A 045-0033-0027, A 045-0033-0029, A 045-0033-0031, A 045-0033-0033, A 045-0033-0035

**----- Additional Information -----**

***House Committee:*** Transportation
***Senate Committee:*** Highways and Transportation

***Principal Author:*** Busby
***Additional Authors:*** Ford (73rd), Paden, Faulkner, Eubanks

***Title:*** AN ACT TO AMEND SECTION 63-1-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DIRECTOR OF THE DRIVER SERVICES DIVISION, DIRECTOR OF THE DRIVER LICENSE EXAMINING BUREAU AND SUPERVISING EXAMINERS MUST MEET QUALIFICATIONS SET BY THE STATE PERSONNEL BOARD FOR THE POSITION; TO PROHIBIT ACTIVE-SERVICE HIGHWAY PATROL OFFICERS FROM SERVING IN THE DRIVER LICENSE EXAMINING BUREAU; TO AMEND SECTION 63-1-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVER'S LICENSE KIOSKS SHALL BE EQUIPPED WITH PRINTERS ON LOCATION AT ALL KIOSK LOCATIONS IN THE STATE FOR THE PURPOSE OF PRINTING ALL KIOSK DOCUMENTS, CARDS AND OTHER PRINTOUTS ON SITE; TO PROVIDE THAT AT EACH DRIVER'S LICENSE LOCATION IN THE STATE, THERE SHALL BE LOCATION SIGNS PROMINENTLY DISPLAYED PROVIDING FOR REQUIRED INFORMATION FOR THE VARIOUS LICENSES, CARDS AND OTHER SERVICES; TO PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S WEBSITE, THERE SHALL BE TUTORIAL VIDEOS LINKED TO ONLINE PROCEDURES TO HELP CLEARLY ILLUSTRATE HOW TO USE THE WEBSITE; TO PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S WEBSITE, THE "WAIT ANYWHERE APPOINTMENT," OR ITS EQUIVALENT OR SUCCESSOR PROGRAM, SHALL BE MADE AVAILABLE TO USE FOR ALL DRIVER'S LICENSE LOCATIONS IN THE STATE; TO AMEND SECTIONS 63-1-35 AND 45-35-3, MISSISSIPPI CODE OF 1972, TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP AND IMPLEMENT AN ELECTRONIC FORMAT FOR DRIVER'S LICENSES, DRIVING PERMITS AND IDENTIFICATION CARDS AS AN OPTION FOR LICENSE HOLDERS, PERMIT HOLDERS AND CARD HOLDERS; TO AMEND SECTION 63-1-33, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO ACCEPT THE CERTIFICATION OF SUCCESSFUL COMPLETION OF AN INDIVIDUAL'S TRAINING IN THE KNOWLEDGE AND SKILLS NEEDED FOR THE PROPER AND SAFE OPERATION OF A MOTOR VEHICLE FROM A DRIVER EDUCATION AND TRAINING PROGRAM AT A SECONDARY SCHOOL THAT MEETS THE STANDARDS OF THE STATE BOARD OF EDUCATION, IN LIEU OF THE DEPARTMENT ADMINISTERING THE EXAMINATION OF THE INDIVIDUAL FOR THE PURPOSE OF OBTAINING A DRIVER'S LICENSE; TO SPECIFY WHO MAY BE EMPLOYED AS INSTRUCTORS IN SUCH SECONDARY SCHOOL PROGRAMS; TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP AN AFFIDAVIT WHEREBY A PARENT, GUARDIAN OR TEACHER MAY CERTIFY THAT HE OR SHE HAS WITNESSED A STUDENT OPERATE A MOTOR VEHICLE FOR AT LEAST 50 HOURS AND ATTEST TO THEIR PROFICIENCY IN THE PROPER AND SAFE OPERATION OF A MOTOR VEHICLE AND PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL ACCEPT

SUCH IN LIEU OF A SKILLS TEST BY THE DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A $10.00 REDUCTION OF A DRIVER'S LICENSE FEE IN CERTAIN INSTANCES WHERE THE PERSON DOES NOT RECEIVE THEIR LICENSE AFTER A 2.5 HOUR WAIT; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO EMAIL AND TEXT NOTIFICATION OF THE UPCOMING EXPIRATION OF A DRIVER'S LICENSE AT LEAST THIRTY DAYS PRIOR TO THE EXPIRATION DATE; TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO AUTHORIZE CERTAIN THIRD PARTIES TO ADMINISTER THE KNOWLEDGE AND SKILLS TEST REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE; TO AMEND SECTION 63-1-211, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CDL RENEWALS SHALL BE AVAILABLE TO BE PERFORMED ONLINE EXCEPT FOR IN CERTAIN CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO UPLOAD MEDICAL CARD INFORMATION AND NOTIFY LICENSE HOLDERS WITHIN A CERTAIN AMOUNT OF TIME; TO AMEND SECTIONS 45-33-25, 45-33-27, 45-33-29, 45-33-31, 45-33-33 AND 45-33-35, MISSISSIPPI CODE OF 1972, TO CHANGE THE LOCATION FOR MANDATORY PERSONAL APPEARANCES OF REGISTERED SEX OFFENDERS FROM THE DRIVER'S LICENSE STATION TO A FACILITY DESIGNATED BY THE DEPARTMENT OF PUBLIC SAFETY, OR IN A MANNER OF THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY'S CHOOSING, INCLUDING BY ELECTRONIC MEANS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Busby, Ford (73rd), Paden, Faulkner, Eubanks

To: Transportation

HOUSE BILL NO. 1371
(As Sent to Governor)

AN ACT TO AMEND SECTION 63-1-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DIRECTOR OF THE DRIVER SERVICES DIVISION, DIRECTOR OF THE DRIVER LICENSE EXAMINING BUREAU AND SUPERVISING EXAMINERS MUST MEET QUALIFICATIONS SET BY THE STATE PERSONNEL BOARD FOR THE POSITION; TO PROHIBIT ACTIVE-SERVICE HIGHWAY PATROL OFFICERS FROM SERVING IN THE DRIVER LICENSE EXAMINING BUREAU; TO AMEND SECTION 63-1-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT DRIVER'S LICENSE KIOSKS SHALL BE EQUIPPED WITH PRINTERS ON LOCATION AT ALL KIOSK LOCATIONS IN THE STATE FOR THE PURPOSE OF PRINTING ALL KIOSK DOCUMENTS, CARDS AND OTHER PRINTOUTS ON SITE; TO PROVIDE THAT AT EACH DRIVER'S LICENSE LOCATION IN THE STATE, THERE SHALL BE LOCATION SIGNS PROMINENTLY DISPLAYED PROVIDING FOR REQUIRED INFORMATION FOR THE VARIOUS LICENSES, CARDS AND OTHER SERVICES; TO PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S WEBSITE, THERE SHALL BE TUTORIAL VIDEOS LINKED TO ONLINE PROCEDURES TO HELP CLEARLY ILLUSTRATE HOW TO USE THE WEBSITE; TO PROVIDE THAT ON THE DRIVER SERVICES DIVISION'S WEBSITE, THE "WAIT ANYWHERE APPOINTMENT," OR ITS EQUIVALENT OR SUCCESSOR PROGRAM, SHALL BE MADE AVAILABLE TO USE FOR ALL DRIVER'S LICENSE LOCATIONS IN THE STATE; TO AMEND SECTIONS 63-1-35 AND 45-35-3, MISSISSIPPI CODE OF 1972, TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP AND IMPLEMENT AN ELECTRONIC FORMAT FOR DRIVER'S LICENSES, DRIVING PERMITS AND IDENTIFICATION CARDS AS AN OPTION FOR LICENSE HOLDERS, PERMIT HOLDERS AND CARD HOLDERS; TO AMEND SECTION 63-1-33, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO ACCEPT THE CERTIFICATION OF SUCCESSFUL COMPLETION OF AN INDIVIDUAL'S TRAINING IN THE KNOWLEDGE AND SKILLS NEEDED FOR THE PROPER AND SAFE OPERATION OF A MOTOR VEHICLE FROM A DRIVER EDUCATION AND TRAINING PROGRAM AT A SECONDARY SCHOOL THAT MEETS THE STANDARDS OF THE STATE BOARD OF EDUCATION, IN LIEU OF THE DEPARTMENT ADMINISTERING THE EXAMINATION OF THE INDIVIDUAL FOR THE PURPOSE OF OBTAINING A DRIVER'S LICENSE; TO SPECIFY WHO MAY BE EMPLOYED AS INSTRUCTORS IN SUCH SECONDARY SCHOOL PROGRAMS; TO DIRECT THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP AN AFFIDAVIT

WHEREBY A PARENT, GUARDIAN OR TEACHER MAY CERTIFY THAT HE OR SHE HAS WITNESSED A STUDENT OPERATE A MOTOR VEHICLE FOR AT LEAST 50 HOURS AND ATTEST TO THEIR PROFICIENCY IN THE PROPER AND SAFE OPERATION OF A MOTOR VEHICLE AND PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL ACCEPT SUCH IN LIEU OF A SKILLS TEST BY THE DEPARTMENT; TO AMEND SECTION 63-1-43, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A $10.00 REDUCTION OF A DRIVER'S LICENSE FEE IN CERTAIN INSTANCES WHERE THE PERSON DOES NOT RECEIVE THEIR LICENSE AFTER A 2.5 HOUR WAIT; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO EMAIL AND TEXT NOTIFICATION OF THE UPCOMING EXPIRATION OF A DRIVER'S LICENSE AT LEAST THIRTY DAYS PRIOR TO THE EXPIRATION DATE; TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO AUTHORIZE CERTAIN THIRD PARTIES TO ADMINISTER THE KNOWLEDGE AND SKILLS TEST REQUIRED FOR A COMMERCIAL DRIVER'S LICENSE; TO AMEND SECTION 63-1-211, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CDL RENEWALS SHALL BE AVAILABLE TO BE PERFORMED ONLINE EXCEPT FOR IN CERTAIN CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO UPLOAD MEDICAL CARD INFORMATION AND NOTIFY LICENSE HOLDERS WITHIN A CERTAIN AMOUNT OF TIME; TO AMEND SECTIONS 45-33-25, 45-33-27, 45-33-29, 45-33-31, 45-33-33 AND 45-33-35, MISSISSIPPI CODE OF 1972, TO CHANGE THE LOCATION FOR MANDATORY PERSONAL APPEARANCES OF REGISTERED SEX OFFENDERS FROM THE DRIVER'S LICENSE STATION TO A FACILITY DESIGNATED BY THE DEPARTMENT OF PUBLIC SAFETY, OR IN A MANNER OF THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY'S CHOOSING, INCLUDING BY ELECTRONIC MEANS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 63-1-13, Mississippi Code of 1972, is amended as follows:

63-1-13. The commissioner is hereby authorized and empowered to appoint a Director of the Driver Services Division who is a qualified elector of the State of Mississippi <u>and who meets the qualifications set by the State Personnel Board for the position</u>. Such director shall execute and furnish a bond in the amount of Ten Thousand Dollars ($10,000.00) with a surety company authorized to do business in this state. The bond shall be conditioned on the faithful performance of his duties and be subject to the approval of the commissioner. The director shall have control and

supervision of the Driver Services Division and shall be answerable to the commissioner in the performance of his duties.

The commissioner shall employ such other technical, professional and clerical assistants as may be needed to conduct the work of the division. The commissioner is also authorized to employ a Director of the Driver License Examining Bureau, who meets the qualifications set by the State Personnel Board for the position, and the necessary supervising examiners, who meet the qualifications set by the State Personnel Board for the position, to assist the Director of the Driver License Examining Bureau in the supervision of the license personnel. The commissioner is also authorized to employ the necessary additional personnel to serve and be designated as "license examiners." * * * The commissioner shall employ such other technical, professional and clerical assistants as may be needed to conduct the work of the bureau. However, not later than July 1, 2021, the commissioner shall not employ an active-service Highway Patrol Officer in the bureau.

**SECTION 2.** Section 63-1-16, Mississippi Code of 1972, is amended as follows:

63-1-16. (1) The Department of Public Safety shall, upon request of the board of supervisors, furnish either a permanent driver's license kiosk or a license examiner at a location in each county seat for at least one (1) day every month to conduct licensing examinations, road tests and renewals. It is the option

of the board of supervisors so requesting to choose either the permanent driver's license kiosk or a license examiner. The county shall furnish the office, heating and cooling, phone service and Internet connectivity at the location for the kiosk or license examiner.

(2) Driver's license kiosks shall be equipped with printers on location at all kiosk locations in the state for the purpose of printing all kiosk documents, cards and other printouts on site.

(3) At each driver's license location in the state, there shall be location signs prominently displayed providing for required information for the various licenses, cards and other services.

(4) On the Driver Services Division's website, there shall be tutorial videos linked to online procedures to help clearly illustrate how to use the website.

(5) On the Driver Services Division's website, the "Wait Anywhere Appointment," or its equivalent or successor program, shall be made available to use for all driver's license locations in the state.

**SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee

shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33.

(2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license issued to a person required to register as a sex

offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

(4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit, intermediate license or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the State Veterans Affairs Board that the applicant is a veteran.

(5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

**SECTION 4.** Section 45-35-3, Mississippi Code of 1972, is amended as follows:

45-35-3. (1) Any person six (6) years of age or older may be issued an identification card by the department which is certified by the registrant and attested by the commissioner as to true name, correct age and such other identifying data as required by Section 45-35-5.

(2) The new, renewal or duplicate identification card of a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the cardholder as a sex offender.

(3) The commissioner is authorized to provide the new, renewal or duplicate identification card to any honorably discharged veteran as defined in Title 38 of the United States Code, and such identification card shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the State Veterans Affairs Board that the applicant is a veteran.

(4) Not later than July 1, 2021, the commissioner shall develop and implement an identification card in electronic format as an additional option for card holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

**SECTION 5.** Section 63-1-33, Mississippi Code of 1972, is amended as follows:

63-1-33. (1) Except as otherwise provided under subsections (6) and (7) of this section, it shall be the duty of the license examiner, when application is made for an operator's license or regular learner's permit, to test the applicant's ability to read and understand road signs and to give the required signals as adopted by the National Advisory Committee on Uniform Traffic

Control Devices and the American Association of Motor Vehicle Administrators.

(2) Except as otherwise provided under subsections (6) and (7) of this section, the commissioner shall have prepared and administer a test composed of at least ten (10) questions relating to the safe operation of a motor vehicle and testing the applicant's knowledge of the proper operation of a motor vehicle. Every examination shall ensure adequate knowledge on the part of the applicant as to school bus safety requirements.

(3) Prior to the administration of the test, the license examiner shall inspect the horn, lights, brakes, vehicle registration and proof of liability coverage of the motor vehicle which the applicant expects to operate while being tested, and if he finds that any of the aforementioned items are deficient, no license or endorsement shall be issued to the applicant until same have been repaired.

(4) An applicant for a Mississippi driver's license who, at the time of application, holds a valid motor vehicle driver's license issued by another state shall not be required to take a written test.

(5) Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement, the applicant shall be required to pass a written test which consists of questions relating to the safe operation of a motorcycle and a skill test similar to the "Motorcycle Operator Skill Test," which

is endorsed by the American Association of Motor Vehicle Administrators. The commissioner may exempt any applicant from the skill test if the applicant presents a certificate showing successful completion of a course approved by the commissioner, which includes a similar examination of skills needed in the safe operation of a motorcycle.

(6) The Department of Public Safety * * * shall accept the certification of successful completion of an individual's training in the knowledge and skills needed for the proper and safe operation of a motor vehicle from a driver education and training program at a secondary school that meets the standards of the * * * State Board of Education, in lieu of the department administering the examination of the individual for the purpose of obtaining a driver's license. The school may employ teachers duly certified by the Department of Education to teach in such a program. In addition, off-duty members of the Mississippi Highway Safety Patrol shall be authorized to teach in such a program without having to obtain a teaching certificate from the Department of Education. Instructors will be considered employees of the school, not of the Driver License Examining Bureau. The commissioner and the State Board of Education shall jointly promulgate rules and regulations for the administration of this subsection.

(7) The commissioner shall develop an affidavit whereby a parent, teacher or guardian may certify that he or she has

witnessed a student operate a motor vehicle for at least fifty (50) hours and attest to their proficiency in the proper and safe operation of a motor vehicle and the Department of Public Safety shall accept such in lieu of a skills test conducted by the department.

**SECTION 6.** Section 63-1-43, Mississippi Code of 1972, is amended as follows:

63-1-43. (1) The commissioner shall charge and collect the following fees:

(a) Fees to which the card stock fee authorized in Section 45-1-21 shall be added:

Class R original or renewal four-year license authorized in Section 63-1-5.....$18.00

Class R original or renewal eight-year license authorized in Section 63-1-5.....$36.00

Class D original or renewal four-year license authorized in Section 63-1-47.....$23.00

Class D original or renewal eight-year license authorized in Section 63-1-47.....$46.00

Four-year Identification Card authorized in Section 45-35-7.....$11.00

Eight-year Identification Card authorized in Section 45-35-7.....$22.00

Eight-year Identification Card for the blind authorized in Section 45-35-7.....$11.00

Four-year Disability Identification Card authorized in Section 45-35-53.....$11.00
Regular Learner's Permit authorized in Section 63-1-21.....$ 1.00
Duplicate Identification Card or Disability Identification Card.....$ 5.00
Intermediate license authorized in Section 63-1-21.....$ 5.00
Duplicate Class R or Class D license authorized in Section 63-1-37.....$ 5.00
Class A, B or C Commercial driver's license authorized in Section 63-1-208.....$48.00
CDL Learner's Permit authorized in Section 63-1-208.....$10.00
Duplicate CDL or CDL learner's permit.....$ 5.00
Ignition-Interlock-Restricted License authorized in Section 63-11-31.....$50.00

(b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added:

Temporary Motorcycle Permit.....$ 1.00
Four-year or eight-year Motorcycle Endorsement.....$ 5.00
Late Renewal Fee.....$ 1.00
Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee
Hazardous Materials Background Check (federal).....$63.00
Hazardous Materials Background Check (state).....$37.00
CDL Application Fee.....$25.00

CDL Endorsements:

Tanker Endorsement.....$ 5.00

Doubles/Triples Endorsement.....$ 5.00

Passenger Endorsement.....$ 5.00

Hazardous Materials Endorsement.....$ 5.00

School Bus Endorsement.....$ 5.00

(c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

(d) Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars ($10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars ($10.00) shall be deducted from the total amount owed for the license.

(2) All originals and renewals of operators' licenses shall be in compliance with Section 63-1-47.

**SECTION 7.** Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) (a) Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

(b) The term of an intermediate license issued under this article shall be one (1) year.

(c) The term of an * * * ignition-interlock-restricted license issued under this article shall be four (4) years.

(2) Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.

(3) (a) All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section 63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.

(b) All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section 63-1-10.

(c) The commissioner shall suspend the driver's license, intermediate license or regular learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license, intermediate license or regular learner's permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

(4) (a) Any original or renewal license issued under this chapter to a person who is not a United States citizen shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any

such license and for renewal shall be as prescribed in Section 63-1-43.

(b) Any applicant for an original or renewal license under this subsection (4) must present valid documentary evidence documenting that the applicant:

(i) Is a citizen or national of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent residence status in the United States;

(iv) Has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;

(vi) Has a pending application for asylum in the United States;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred-action status;

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(5) For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.

**SECTION 8.** Section 63-1-208, Mississippi Code of 1972, is amended as follows:

63-1-208. (1) Except as otherwise provided, the commissioner shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years.

(2) No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In

addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.

(3) (a) Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). * * * In addition, the commissioner * * * shall authorize * * * any person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the knowledge and skills test specified by this section, provided:

( * * *i) The test is the same as would otherwise be administered by the state; and

( * * *ii) Either: 1. The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75 * * *; or

2. The third party is a CTPE as defined in this subsection. The CTPE shall not be a direct employee of a trucking company.

(b) A CTPE performing testing under this section shall not be liable for any claim sounding in tort arising out of such testing.

(4) A skills test may be waived as follows:

(a) The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, shall provide for a waiver of the skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77;

(b) The rules may establish deadlines by which applicants must claim entitlement and qualification to skills test waivers and may provide for the scheduling of group knowledge testing;

(c) The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, 2017, but in any case no later than July 1, 2018.

(5) A commercial learner's permit shall be issued as follows:

(a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;

(b) The commercial learner's permit shall be issued for a period of six (6) months for the fee prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor

vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(6) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.

(7) A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.

(8) Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:

(a) The driver is physically examined every year, including an examination by a board-certified/eligible endocrinologist attesting to the fact that the driver is:

(i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);

(ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and

(iii) Not likely to suffer any diminution in driving ability due to the person's diabetic condition.

(b) The driver agrees to and complies with the following conditions:

(i) A source of rapidly absorbable glucose shall be carried at all times while driving;

(ii) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;

(iii) Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;

(iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and

(v) Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.

(c) The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.

(9) The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section 63-1-43.

**SECTION 9.** Section 63-1-211, Mississippi Code of 1972, is amended as follows:

63-1-211. (1) **Contents of license.** A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:

(a) The name and residential address of the person.

(b) The person's color photograph or imaged likeness.

(c) A physical description of the person including sex, height, and weight.

(d) Date of birth.

(e) Any number or identifier deemed appropriate by the commissioner.

(f) The person's signature.

(g) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.

(h) The name of this state.

(i) The dates between which the license is valid.

(2) **Classifications, endorsements and restrictions.** Driver's licenses may be issued with the following classifications, endorsements, and restrictions:

(a) **Classifications.** Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.

(i) Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.

(ii) Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.

(iii) Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:

1. Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

2. Vehicles used in the transportation of hazardous materials as defined in Section 63-1-203.

(iv) Class D - Class D licenses are not commercial driver's licenses and shall be governed by the provisions of Section 63-1-5.

(b) Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited to, those which:

(i) Authorize a driver to drive a vehicle transporting hazardous materials;

(ii) Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;

(iii) Authorize driving motorcycles that are not autocycles as defined in Section 63-3-103;

(iv) Authorize driving tank vehicles;

(v) Authorize driving vehicles carrying passengers;

(vi) Authorize driving school buses;

(vii) Authorize driving double trailers;

(viii) Restrict the driver to operation solely within this state. A commercial driver's license or commercial

learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.

(3) Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the Commercial Driver's License Information System, established under 49 USCS Section 31309, to determine if:

(a) The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;

(b) The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (23 USCS Section 401 note).

(4) Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

(5) The commercial driver's license shall expire in the manner set forth in Section 63-1-47.

(6) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section 63-1-210, providing updated information and

required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572. If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.

(7) The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents ($2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by the license holder. If receipt is not acknowledged by the license holder, the department shall exhaust any available means to contact the license holder.

**SECTION 10.** Section 45-33-25, Mississippi Code of 1972, is amended as follows:

45-33-25. (1) (a) Any person having a permanent or temporary residence in this state or who is employed or attending school in this state who has been convicted of a registrable offense in this state or another jurisdiction or who has been acquitted by reason of insanity of a registrable offense in this state or another jurisdiction shall register with the responsible agency and the Mississippi Department of Public Safety. Registration shall not be required for an offense that is not a registrable sex offense or for an offender who is under fourteen (14) years of age. The department shall provide the initial registration information as well as every change of name, change of address, change of status at a school, or other change of information as required by the department to the sheriff of the county of the residence address of the registrant, the sheriff of the county of the employment address, and the sheriff of the county of the school address, if applicable, and any other jurisdiction of the registrant through either written notice, electronic or telephone transmissions, or online access to registration information. Further, the department shall provide this information to the Federal Bureau of Investigation. Additionally, upon notification by the registrant that he intends to reside outside the State of Mississippi, the department shall notify the appropriate state law enforcement agency of any state to which a registrant is moving or has moved.

(b) Any person having a permanent or temporary residence or who is employed or attending school in this state who has been adjudicated delinquent for a registrable sex offense listed in this paragraph that involved use of force against the victim shall register as a sex offender with the responsible agency and shall personally appear at a facility designated by the Mississippi Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of registering with the responsible agency:

(i) Section 97-3-71 relating to rape and assault with intent to ravish;

(ii) Section 97-3-95 relating to sexual battery;

(iii) Section 97-3-65 relating to statutory rape; or

(iv) Conspiracy to commit, accessory to the commission of, or attempt to commit any offense listed in this paragraph.

(2) Any person required to register under this chapter shall submit the following information at the time of registration:

(a) Name, including a former name which has been legally changed;

(b) Street address of all current permanent and temporary residences within state or out of state at which the sex offender resides or habitually lives, including dates of temporary

lodgings. There is a presumption that a registrant owes a duty of updating registration information if:

(i) The registrant remains away from a registered address for seven (7) or more consecutive days; or

(ii) If the registrant remains at another address between the hours of 10:00 p.m. and 6:00 a.m. for more than seven (7) consecutive days;

(c) Date, place and address of employment, including as a volunteer or unpaid intern or as a transient or day laborer;

(d) Crime for which charged, arrested or convicted;

(e) Date and place of conviction, adjudication or acquittal by reason of insanity;

(f) Aliases used or nicknames, ethnic or tribal names by which commonly known;

(g) Social security number and any purported social security number or numbers;

(h) Date and place of birth and any purported date and place of birth;

(i) Age, race, sex, height, weight, hair and eye colors, and any other physical description or identifying factors;

(j) A brief description of the offense or offenses for which the registration is required;

(k) Driver's license or state or other jurisdiction identification card number, which license or card may be electronically accessed by the Department of Public Safety;

(l) Anticipated future residence;

(m) If the registrant's residence is a motor vehicle, trailer, mobile home or manufactured home, the registrant shall also provide vehicle identification number, license tag number, registration number and a description, including color scheme, of the motor vehicle, trailer, mobile home or manufactured home; if the registrant's place of residence is a vessel or houseboat, the registrant shall also provide the hull identification number, manufacturer's serial number, name of the vessel or houseboat, registration number and a description, including color scheme, of the vessel or houseboat, including permanent or frequent locations where the motor vehicle, trailer, mobile home, manufactured home, vessel or houseboat is kept;

(n) Vehicle make, model, color and license tag number for all vehicles owned or operated by the sex offender, whether for work or personal use, and the permanent or frequent locations where a vehicle is kept;

(o) Offense history;

(p) Photograph;

(q) Fingerprints and palm prints;

(r) Documentation of any treatment received for any mental abnormality or personality disorder of the person;

(s) Biological sample;

(t) Name of any public or private educational institution, including any secondary school, trade or professional

institution or institution of higher education at which the offender is employed, carries on a vocation (with or without compensation) or is enrolled as a student, or will be enrolled as a student, and the registrant's status;

(u) Copy of conviction or sentencing order for the sex offense for which registration is required;

(v) The offender's parole, probation or supervised release status and the existence of any outstanding arrest warrants;

(w) Every online identity, screen name or username used, registered or created by a registrant;

(x) Professional licensing information which authorizes the registrant to engage in an occupation or carry out a trade or occupation;

(y) Information from passport and immigration documents;

(z) All telephone numbers, including, but not limited to, permanent residence, temporary residence, cell phone and employment phone numbers, whether landlines or cell phones; and

(aa) Any other information deemed necessary.

(3) For purposes of this chapter, a person is considered to be residing in this state if he maintains a permanent or temporary residence as defined in Section 45-33-23, including students, temporary employees and military personnel on assignment.

(4) (a) A person required to register under this chapter shall not reside within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school, a child care facility, a residential child-caring agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years.

(b) A person residing within three thousand (3,000) feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this subsection if any of the following apply:

(i) The person is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility.

(ii) The person is subject to an order of commitment under Title 41, Mississippi Code of 1972.

(iii) The person established the subject residence before July 1, 2006.

(iv) The school or child care facility is established within three thousand (3,000) feet of the person's residence subsequent to the date the person established residency.

(v) The person established the subject residence between July 1, 2006, and January 1, 2014, in a location at least

one thousand five hundred (1,500) feet from the school or child care facility.

(vi) The person is a minor or a ward under a guardianship.

(c) A person residing within three thousand (3,000) feet of the real property comprising a residential child-caring agency, a children's group care home or any playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years does not commit a violation of this subsection if any of the following apply:

(i) The person established the subject residence before July 1, 2008.

(ii) The residential child-caring agency, children's group care home, playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years is established within three thousand (3,000) feet of the person's residence subsequent to the date the person established residency.

(iii) The person established the subject residence between July 1, 2008, and January 1, 2014, in a location at least one thousand five hundred (1,500) feet from the residential child-caring agency, children's group care home, playground, ballpark or other recreational facility utilized by persons under the age of eighteen (18) years.

(iv) Any of the conditions described in subsection (4)(b)(i), (ii) or (vi) exist.

(5) The Department of Public Safety is required to obtain the text of the law defining the offense or offenses for which the registration is required.

**SECTION 11.** Section 45-33-27, Mississippi Code of 1972, is amended as follows:

45-33-27. (1) A person required to register on the basis of a conviction, adjudication of delinquency or acquittal by reason of insanity entered shall register with the responsible agency within three (3) business days of the date of judgment unless the person is immediately confined or committed, in which case the person shall register before release in accordance with the procedures established by the department. The responsible agency shall immediately forward the registration information to the Department of Public Safety. The person is also required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) days of registration with the responsible agency and to obtain a sex offender registration card.

(2) If a person who is required to register under this section is released from prison or placed on parole or supervised release or in a restitution center or community work center, the Department of Corrections shall perform the registration duties

before placement in a center or before release and immediately forward the registration information to the Department of Public Safety. The person is also required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) days of release or placement in a restitution center or community work center.

(3) If a person required to register under this section is placed on probation, the court, at the time of entering the order, shall register the person and immediately forward the registration information to the Department of Public Safety. The person is also required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) days of the entry of the order.

(4) Any person required to register who is neither incarcerated, detained nor committed at the time the requirement to register attaches shall present himself to the county sheriff to register within three (3) business days, and shall personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) days of the time the requirement to register attaches.

(5) An offender moving to or returning to this state from another jurisdiction shall notify the Department of Public Safety

ten (10) days before the person first resides in or returns to this state and shall present himself to the sheriff of the county of his residence within three (3) business days after first residing in or returning to a county of this state to provide the required registration information. The person is also required to register by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) days after first residing in or moving to a county of this state. If the offender fails to appear for registration as required in this state, the department shall notify the other jurisdiction of the failure to register.

(6) A person, other than a person confined in a correctional or juvenile detention facility or involuntarily committed on the basis of mental illness, who is required to register on the basis of a sex offense for which a conviction, adjudication of delinquency or acquittal by reason of insanity was entered shall register with the sheriff of the county in which he resides no later than August 15, 2000, or within three (3) business days of first residing in or returning to a county of this state.

(7) Every person required to register shall show proof of domicile. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and shall prescribe the means by which such person may show domicile.

(8) Any driver's license photograph, I.D. photograph, sex offender photograph, fingerprint, driver's license application and/or anything submitted to the Department of Public Safety by a known convicted sex offender, registered or not registered, can be used by the Department of Public Safety or any other authorized law enforcement agency for any means necessary in registration, identification, investigation regarding their tracking or identification.

(9) The department will assist local law enforcement agencies in the effort to conduct address and other verifications of registered sex offenders and will assist in the location and apprehension of noncompliant sex offenders.

**SECTION 12.** Section 45-33-29, Mississippi Code of 1972, is amended as follows:

45-33-29. (1) Upon any change of address, including temporary lodging, an offender required to register under this chapter is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, not less than ten (10) days before he intends to first reside at the new address.

(2) Upon any change in the status of a registrant's enrollment, employment or vocation at any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education, the

offender is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(3) Upon any change of employment or change of name, a registrant is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(4) Upon any change of vehicle information, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(5) Upon any change of e-mail address or addresses, instant message address or addresses, or any other designation used in Internet communications, postings or telephone communications, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(6) Upon any change of information deemed by the department to be necessary to the state's policy to assist local law enforcement agencies' efforts to protect their communities, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

**SECTION 13.** Section 45-33-31, Mississippi Code of 1972, is amended as follows:

45-33-31. (1) (a) Registrants who are in compliance with a program of electronic monitoring under this chapter are required to reregister annually.

(b) All other registrants are required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, to reregister every ninety (90) days.

(2) Reregistration includes the submission of current information and photograph to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employment or status at a school, along with any other registration information that may need to be verified and the payment of any required fees.

(3) A person who fails to reregister and obtain a renewal sex offender registration card as required by this section commits a violation of this chapter. The Department of Public Safety will immediately notify any sheriff or other jurisdiction of any changes in information including residence address, employment and status at a school if that jurisdiction, county or municipality is affected by the change.

**SECTION 14.** Section 45-33-33, Mississippi Code of 1972, is amended as follows:

45-33-33. (1) (a) The failure of an offender to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, or to provide any registration or other information, including, but not limited to, initial registration, reregistration, change of address information, change of employment, change of name, required notification to a volunteer organization or any other registration duty or submission of information required by this chapter is a violation of this chapter. Additionally, forgery of information or submission of information under false pretenses, whether by the registrant or another person, is also a violation of this chapter.

(b) A person commits a violation of this chapter who:

(i) Knowingly harbors, or knowingly attempts to harbor, or knowingly assists another person in harboring or attempting to harbor a sex offender who is in violation of this chapter; * * *

(ii) Knowingly assists a sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of this chapter; or

(iii) Provides information to a law enforcement agency regarding a sex offender which the person knows to be false.

(c) A registrant who is required to submit to electronic monitoring who does not comply with all the terms and conditions of the electronic monitoring commits a violation of this chapter.

(2) (a) Unless otherwise specified, a violation of this chapter shall be considered a felony and shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), imprisonment in the custody of the Department of Corrections for not more than five (5) years, or both fine and imprisonment.

(b) A person who is required to register under this chapter who is subsequently convicted for a registration violation under this section, upon release from incarceration, shall submit to mandatory electronic monitoring under the program established under Section 45-33-45 for a period computed by subtracting the time the person spent in actual incarceration from the five-year maximum imprisonment for the offense and the period of post-release monitoring shall not be suspended or reduced by the court or the Department of Corrections.

(3) Whenever it appears that an offender has failed to comply with the duty to register, reregister or submit to electronic monitoring, the department shall promptly notify the sheriff of the county of the last-known address of the offender as

well as the sheriff of the county of the last-known location of the offender, if different. Upon notification, the sheriff shall attempt to locate the offender at his last-known address or last-known location.

(a) If the sheriff locates the offender, he shall enforce the provisions of this chapter, including initiation of prosecution if appropriate. The sheriff shall then notify the department with the current information regarding the offender.

(b) If the sheriff is unable to locate the offender, the sheriff shall promptly notify the department and initiate a criminal prosecution against the offender for the failure to register, reregister or comply with electronic monitoring. The sheriff shall make the appropriate transactions into the Federal Bureau of Investigation's wanted-person database and issue a warrant for the offender's arrest. The department shall notify the United States Marshals Service of the offender's noncompliant status and shall update the registry database and website to show the defendant's noncompliant status as an absconder.

(4) A violation of this chapter shall result in the arrest of the offender.

(5) Any prosecution for a violation of this section shall be brought by a prosecutor in the county of the violation.

(6) A person required to register under this chapter who commits any act or omission in violation of this chapter may be prosecuted for the act or omission in the county in which the act

or omission was committed, the county of the last registered address of the sex offender, the county in which the conviction occurred for the offense or offenses that meet the criteria requiring the person to register, the county in which he was designated a sex offender, or the county in which the sex offender was found.

(7) The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or driving privilege of any offender failing to comply with the duty to report, register or reregister, submit to monitoring, or who has provided false information.

(8) When a person required to register under this chapter is accused of any registration offense under this section, pretrial release on bond shall be conditioned on the offender's submission to electronic monitoring under the program established under Section 45-33-45.

**SECTION 15.** Section 45-33-35, Mississippi Code of 1972, is amended as follows:

45-33-35. (1) The Mississippi Department of Public Safety shall maintain a central registry of sex offender information as defined in Section 45-33-25 and shall adopt rules and regulations necessary to carry out this section. The responsible agencies shall provide the information required in Section 45-33-25 on a form developed by the department to ensure accurate information is maintained.

(2) Upon conviction, adjudication or acquittal by reason of insanity of any sex offender, if the sex offender is not immediately confined or not sentenced to a term of imprisonment, the clerk of the court which convicted and sentenced the sex offender shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the department.

(3) Before release from prison or placement on parole, supervised release or in a work center or restitution center, the Department of Corrections shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(4) Before release from a community regional mental health center or from confinement in a mental institution following an acquittal by reason of insanity, the director of the facility shall inform the offender of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of

Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(5) Before release from a youthful offender facility, the director of the facility shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(6) In addition to performing the registration duties, the responsible agency shall:

(a) Inform the person having a duty to register that:

(i) The person is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, at least ten (10) days before changing address.

(ii) Any change of address to another jurisdiction shall be reported to the department by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, not less than ten (10) days before the change of address. The offender shall comply with any registration requirement in the new jurisdiction.

(iii) The person must register in any jurisdiction where the person is employed, carries on a vocation, is stationed in the military or is a student.

(iv) Address verifications shall be made by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within the required time period.

(v) Notification or verification of a change in status of a registrant's enrollment, employment or vocation at any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education shall be reported to the department by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(vi) If the person has been convicted of a sex offense, the person shall notify any organization for which the person volunteers in which volunteers have direct, private or unsupervised contact with minors that the person has been convicted of a sex offense as provided in Section 45-33-32(1).

(vii) Upon any change of name or employment, a registrant is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of

the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(viii) Upon any change of vehicle information, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(ix) Upon any change of e-mail address or addresses, instant message address or addresses or any other designation used in Internet communications, postings or telephone communications, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(x) Upon any change of information deemed to be necessary to the state's policy to assist local law enforcement agencies' efforts to protect their communities, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(b) Require the person to read and sign a form stating that the duty of the person to register under this chapter has been explained.

(c) Obtain or facilitate the obtaining of a biological sample from every registrant as required by this chapter if such biological sample has not already been provided to the Mississippi Forensics Laboratory.

(d) Provide a copy of the order of conviction or sentencing order to the department at the time of registration.

**SECTION 16.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1383

**Description:** Economic Development Highway Act; revise definition of high economic benefit project.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Transportation; Appropriations |
| 2 | 02/27 | (H) DR - TSDPCS: TR To AP |
| 3 | 03/03 | (H) DR - TSDPCS: AP To TR |
| 4 | 03/03 | (H) Title Suff Do Pass Comm Sub |
| 5 | 03/05 | (H) Committee Substitute Adopted |
| 6 | 03/05 | (H) Passed {Vote} |
| 7 | 03/09 | (H) Transmitted To Senate |
| 8 | 05/12 | (S) Referred To Economic and Workforce Development; Appropriations |
| 9 | 06/09 | (S) DR - TSDPAA: EC To AP |
| 10 | 06/09 | (S) Title Suff Do Pass As Amended |
| 11 | 06/10 | (S) Amended |
| 12 | 06/10 | (S) Passed As Amended {Vote} |
| 13 | 06/12 | (S) Returned For Concurrence |
| 14 | 06/17 | (H) Decline to Concur/Invite Conf |
| 15 | 06/22 | (H) Conferees Named Busby,McGee,Denton |
| 16 | 06/22 | (S) Conferees Named Parker,England,McMahan |
| 17 | 06/23 | (H) Conference Report Filed |
| 18 | 06/23 | (S) Conference Report Filed |
| 19 | 06/24 | (H) Conference Report Adopted {Vote} |
| 20 | 06/25 | (S) Conference Report Adopted {Vote} |
| 21 | 06/30 | (H) Enrolled Bill Signed |
| 22 | 06/30 | (S) Enrolled Bill Signed |
| 23 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1383
Conference Reports:
| Conference Report

**Code Section:** A 065-0004-0005, A 065-0004-0015

**----- Additional Information -----**

***House Committee:*** Transportation, Appropriations
***Senate Committee:*** Economic and Workforce Development, Appropriations

***Principal Author:*** McGee

***Title:*** AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF HIGH ECONOMIC BENEFIT PROJECT FOR THE ECONOMIC DEVELOPMENT HIGHWAY ACT TO INCLUDE CERTAIN NEW INVESTMENTS TO ESTABLISH A PRIVATE REGIONAL OR NATIONAL HEADQUARTERS; TO AMEND SECTION 65-4-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A MIXED-USE DEVELOPMENT THAT INCLUDES RETAIL SPACE THAT IS NO MORE THAN 20% OF THE SQUARE FOOTAGE OF THE DEVELOPMENT IS NOT PROHIBITED FROM RECEIVING MONIES AS A HIGH ECONOMIC BENEFIT PROJECT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative McGee

To: Transportation; Appropriations

HOUSE BILL NO. 1383
(As Sent to Governor)

AN ACT TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF HIGH ECONOMIC BENEFIT PROJECT FOR THE ECONOMIC DEVELOPMENT HIGHWAY ACT TO INCLUDE CERTAIN NEW INVESTMENTS TO ESTABLISH A PRIVATE REGIONAL OR NATIONAL HEADQUARTERS; TO AMEND SECTION 65-4-15, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A MIXED-USE DEVELOPMENT THAT INCLUDES RETAIL SPACE THAT IS NO MORE THAN 20% OF THE SQUARE FOOTAGE OF THE DEVELOPMENT IS NOT PROHIBITED FROM RECEIVING MONIES AS A HIGH ECONOMIC BENEFIT PROJECT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 65-4-5, Mississippi Code of 1972, is amended as follows:

65-4-5. (1) The following words when used in this chapter shall have the meanings herein ascribed unless the context otherwise clearly requires:

(a) "Board" means the Mississippi Development Authority;

(b) "Department" means the Mississippi Department of Transportation;

(c) "High economic benefit project" means:

(i) Any new investment by a private company with capital investments in land, buildings, depreciable fixed assets and improvements of at least Seventy Million Dollars ($70,000,000.00);

(ii) Any new investment of at least Twenty Million Dollars ($20,000,000.00) by a private company having capital investments in this state in land, buildings, depreciable fixed assets and improvements of at least One Billion Dollars ($1,000,000,000.00) in the aggregate;

(iii) Public investment of at least One Hundred Million Dollars ($100,000,000.00) to take place over a specified period of time and in accordance with a master plan duly adopted by the controlling political subdivision;

(iv) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) private companies upon land that is adjacent whenever the new investments of both companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by both private companies provide for the employment of at least five hundred (500) employees in the aggregate;

(v) Any project which would benefit from the construction of any highway bypass which would aid in economic development and would provide an alternate route to avoid an existing route which underpasses a railroad and which would aid in existing or proposed industry;

(vi) Any master planned community;

(vii) Any new investments in land, buildings, depreciable fixed assets and improvements by not more than three (3) private companies physically located within a one-half-mile radius of each other whenever the new investments of such companies are at least Sixty Million Dollars ($60,000,000.00) in the aggregate, and such new investments by such companies provide for the employment of at least three hundred (300) new employees in the aggregate;

(viii) Any new investments in land, buildings, depreciable fixed assets and improvements by two (2) or more private companies upon lands originally adjacent, but now divided by a four-lane state highway and bordered by a two-lane state highway, and the new investments of the companies are at least Fifty Million Dollars ($50,000,000.00) in the aggregate, and a portion of such new investment will be utilized for the construction of a hospital;

(ix) [Repealed]

(x) Any project as defined in Section 57-75-5(f)(xxi); however, the term "high economic benefit project" does not include the construction of Mississippi Highway 348;

(xi) Any project as defined in Section 17-25-17;

(xii) Any project which would allow access to a national intermodal facility with a minimum capital investment of One Hundred Million Dollars ($100,000,000.00) that is located

within five (5) miles of the State of Mississippi and has direct access into an industrial park within the state * * *;

(xiii) Any new investments in land, buildings and depreciable fixed assets and improvements by a private company of at least One Hundred Million Dollars ($100,000,000.00) over a specified period of time in accordance with a defined capital improvement project approved by the board * * *;

(xiv) Any new investments in land, buildings, depreciable fixed assets and improvements of at least Fifteen Million Dollars ($15,000,000.00) by a private company to establish a private regional or national headquarters and such new investments provide for the employment of at least one hundred (100) new employees in the aggregate over a five-year period with those new employees earning an annual average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified private regional or national headquarters is located, as determined by the Mississippi Department of Employment Security, whichever is less;

However, if the initial investments that a private company made in order to meet the definition of a high economic benefit project under this paragraph (c)(i) and in order to be approved for such project exceeded Fifty Million Dollars ($50,000,000.00), or if subsequent to being approved for the initial project the

same company and/or one or more other private companies made additional capital investments exceeding Fifty Million Dollars ($50,000,000.00) in aggregate value in land, buildings, depreciable fixed assets and improvements physically attached to or forming a part of the initially planned site development, then an amount equal to fifty percent (50%) of all such investments that exceeds Fifty Million Dollars ($50,000,000.00) shall be subtracted from the Sixty Million Dollars ($60,000,000.00) in aggregate value of new investments required under this paragraph (c)(vii);

(d) "Political subdivision" means one or more counties or incorporated municipalities in the state, or a state-owned port located in a county bordering on the Gulf of Mexico;

(e) "Private company" means:

(i) Any agricultural, aquacultural, maricultural, processing, distribution, warehousing, manufacturing, transportation, tourism or research and development enterprise;

(ii) Any air transportation and maintenance facility, regional shopping mall, hospital, large hotel, resort or movie industry studio;

(iii) The federal government with respect to any specific project which meets the criteria established in paragraph (c)(i) of this subsection;

(iv) Any existing or proposed industry in regard to a project described in paragraph (c)(v) of this subsection;

(v) A developer with respect to any specific project which meets the criteria established in paragraph (c)(vi) of this subsection; or

(vi) A tourism project approved by the board;

(f) "Master planned community" shall have the same meaning as that term is defined in Section 19-5-10.

(2) The Mississippi Department of Transportation is hereby authorized to purchase rights-of-way and construct and maintain roads and highways authorized to be constructed pursuant to this chapter.

**SECTION 2.** Section 65-4-15, Mississippi Code of 1972, is amended as follows:

65-4-15. (1) There is hereby established a special fund in the State Treasury to be known as the "Economic Development Highway Fund" which shall consist of such monies as the Legislature shall appropriate thereto or such other monies as the Legislature may designate to be deposited therein. Any monies to the credit of such fund may be expended by the Mississippi Department of Transportation or political subdivision, as appropriate, upon approval of requisitions therefor by the Mississippi Development Authority for any expenses incurred by the Transportation Department or political subdivision in constructing and improving highways and highway segments which have been approved by the Mississippi Development Authority under the provisions of this chapter. From and after July 1, 2004, no

monies to the credit of the fund may be expended for the construction and improvement of highways for high economic benefit projects that are being developed for the primary purpose of conducting retail sales unless the Mississippi Development Authority has received an application for the project prior to July 1, 2004; however, the primary purpose is not conducting retail sales if the project is a mixed-use development for which retail space is no more than twenty percent (20%) of the square footage of the development. With regard to a high economic benefit project as defined in Section 65-4-5(1)(c)(xiii) for which the Mississippi Development Authority approved and allocated monies in the fund before January 1, 2016, for constructing or improving a highway or highway segment related to the high economic benefit project, the Mississippi Development Authority may reallocate such monies from the original highway or highway segment purpose and allocate the funds for constructing or improving another highway or highway segment provided that such highway or highway segment is located within three (3) miles of the high economic benefit project for which the Mississippi Development Authority originally allocated and approved the monies. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon approval by the Mississippi Development Authority of requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering and providing engineering services to

political subdivisions. Monies remaining unexpended to the credit of such special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on the investment of monies in the special fund shall be deposited to the credit of the fund.

(2) Monies in the Economic Development Highway Fund which are derived from proceeds of bonds issued under this chapter after July 1, 2003, may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority for the administration of the various grant, loan and financial incentive programs administered by the authority. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the Mississippi Development Authority. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements to the Mississippi Development Authority under this subsection shall satisfy any applicable federal tax law requirements.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1386

**Description:** Advocate Confidentiality Law; establish procedures for disclosure.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary B |
| 2 | 02/25 | (H) Title Suff Do Pass |
| 3 | 03/04 | (H) Passed {Vote} |
| 4 | 03/05 | (H) Transmitted To Senate |
| 5 | 03/09 | (S) Referred To Judiciary, Division A |
| 6 | 06/02 | (S) Title Suff Do Pass As Amended |
| 7 | 06/12 | (S) Amended |
| 8 | 06/12 | (S) Passed As Amended {Vote} |
| 9 | 06/15 | (S) Returned For Concurrence |
| 10 | 06/17 | (H) Concurred in Amend From Senate {Vote} |
| 11 | 06/22 | (H) Enrolled Bill Signed |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1386

**Code Section:** A 093-0021-0109

**----- Additional Information -----**

***House Committee:*** Judiciary B
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** McLean
***Additional Authors:*** Ford (73rd), Gibbs (72nd)

***Title:*** AN ACT TO CREATE THE ADVOCATE CONFIDENTIALITY LAW; TO PROVIDE THAT COMMUNICATIONS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING AND HUMAN TRAFFICKING WITH ADVOCATES ARE CONFIDENTIAL; TO ESTABLISH PROCEDURES FOR

DISCLOSURE IN LIMITED CIRCUMSTANCES; TO PROVIDE FOR IN-CAMERA REVIEW BEFORE DISCLOSURE; TO AMEND SECTION 93-21-109, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives McLean, Ford (73rd), Gibbs (72nd)

To: Judiciary B

HOUSE BILL NO. 1386
(As Sent to Governor)

AN ACT TO CREATE THE ADVOCATE CONFIDENTIALITY LAW; TO PROVIDE THAT COMMUNICATIONS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING AND HUMAN TRAFFICKING WITH ADVOCATES ARE CONFIDENTIAL; TO ESTABLISH PROCEDURES FOR DISCLOSURE IN LIMITED CIRCUMSTANCES; TO PROVIDE FOR IN-CAMERA REVIEW BEFORE DISCLOSURE; TO AMEND SECTION 93-21-109, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1. Communications with advocates deemed confidential.** (1) **Definitions.** The following definitions apply in this section:

(a) "Advocate" means an employee, contractor, agent or volunteer of a victim service provider whose primary purpose is to render services to victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of training in the areas of dynamics of victimization, substantive laws relating to domestic violence, sexual assault, stalking and human trafficking, crisis intervention techniques, communications skills, working with diverse populations, an overview of the state's criminal and civil

justice systems, information regarding pertinent hospital procedures, victim compensation, and information regarding state and community resources for victims of domestic violence, sexual assault, stalking, human trafficking, or mandatory training required by the Office Against Interpersonal Violence, whichever is greater. "Advocate" also means a person employed by a victim service provider who supervises any employee, contractor, agent or volunteer rendering services. The term advocate also means a third party (i) present to further the interest of the victim in receiving services; (ii) necessary for the transmission of the communication; or (iii) to whom disclosure is reasonably necessary to accomplish the purposes for the victim seeking services.

(b) "Confidential victim communications" means all information, whether written or oral, collected, transmitted or shared between a victim and an advocate in the course of that relationship and maintained by the victim service program in connection with services requested, utilized or denied. "Confidential victim communications" includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history, and statistical data that contain personally identifying information.

(c) "Domestic violence" means any alleged misdemeanor or felony act of domestic violence as defined by Section 99-3-7,

knowing violation of a domestic abuse protection order under Section 93-21-21, or incidence of abuse as defined by Section 93-21-3(a), whether or not a civil or criminal action arises as a result of the alleged violation. The term "domestic violence" also includes any pattern of behavior or coercive control resulting in physical, emotional or psychological harm to a victim committed by a spouse or former spouse of the victim, a person with whom the victim lives or lived as a spouse, a person related as parent, child, grandparent, grandchild, or someone similarly situated to the victim, a person having a child in common with the victim, or a person with whom the victim has or had a dating relationship.

(d) "Human trafficking" means any alleged criminal act in violation of Section 97-3-54.1, whether or not a civil or criminal action arises as a result of the alleged violation.

(e) "Personally identifying information" means any information for or about an individual, including information likely to disclose the location or identity of a victim of domestic violence, sexual assault, stalking, or human trafficking, including: (i) a first or last name; (ii) a home or other physical address; (iii) contact information, including a postal, email or internet protocol address; (iv) a social security number; or (v) any other information, including, but not limited to, date of birth, racial or ethnic background, marital status, children,

disability, or religious affiliation that would serve to identify the individual.

(f) "Services" includes, but is not limited to, crisis hotlines, operation of safe homes and shelters, assessment and intake, case management, advocacy, individual and peer counseling, support in medical, legal, administrative, and judicial systems, transportation, relocation, and crisis intervention.

(g) "Sexual assault" means any alleged violation of Section 97-3-65, 97-3-95, 97-5-23, 97-5-24, 97-5-41, 97-29-3 or 97-29-7, whether or not a civil or criminal action arises as a result of the alleged violation.

(h) "Stalking" means any alleged violation of Section 97-3-107 or 97-45-15, whether or not a civil or criminal action arises as a result of the alleged violation.

(i) "Victim" means a person alleging domestic violence, sexual assault, stalking, or human trafficking, who consults a victim advocate for the purpose of obtaining, for the person, advice, counseling, or other services concerning mental, emotional, or physical injuries suffered as a result of the offense, whether or not services are actually received.

(j) "Victim service provider" means an organization whose primary purpose or mission is to provide services to victims of domestic violence, sexual assault, stalking, or human trafficking. This term includes umbrella organizations that have specific victim service programs as part of its organization. Any

provisions regarding confidentiality only extend to the specific program providing victim services and not to the entire organization.

(2) **Confidential victim communications protected from disclosure.** (a) No advocate shall disclose any confidential victim communication or personally identifying information of a victim or be compelled to testify to or surrender any confidential victim communications or personally identifying information in any civil or criminal proceeding or in any legislative or administrative proceeding, without the prior informed, written and time-limited consent of the victim, except in the following circumstances: (i) where disclosure is mandated under Section 43-21-353, Section 43-47-7, Section 43-47-37, Section 97-3-54.1(4), Section 97-5-51, Section 97-29-49, or any other applicable provision of state or federal law; (ii) where failure to disclose is likely to result in imminent risk of serious bodily harm or death of the victim or another person, or when the victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceedings regarding the cause of the victim's death or incapacitation; or (iii) where disclosure is required pursuant to a valid court order.

(b) Upon motion of a party in a civil action or of the defendant in a criminal action, the court may compel disclosure of certain confidential victim communications or personally

identifying information, if the court determines, after in-camera review, that all of the following conditions are met: (i) the information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding; (ii) the probative value of the information outweighs the harmful effect, if any, of disclosure on the victim, the advocacy relationship and provision and receipt of services; and (iii) the information cannot be obtained by reasonable means from any other source.

The court shall document its determination to compel disclosure in writing or place its findings into the record of the proceeding. This proceeding does not entitle the requesting party to examine the records unless those records are made available by the court. The proceeding set in this paragraph (b) shall not supersede the provisions of Section 99-43-25 with regard to the protection of facts that could divulge the identity, residence, or place of employment of a victim.

(c) A release of information without the consent of the victim shall be limited in scope to the minimum amount necessary to comply with any mandated disclosure. The advocate or victim service provider must make reasonable attempts to notify the victim of the disclosure, to whom the disclosure was made, and for what purpose.

(d) A victim service program may not require consent to release of information as a condition of service to a victim.

(e) A legal guardian, guardian ad litem or parent may consent to release of confidential information for a victim who, due to incompetency, incapacity or minority, is incapable of consenting, except that no person who has committed or is alleged to have committed a crime against the victim shall be granted this authority.

(3) Under no circumstances shall the location of a shelter, safe house or transitional housing for victims of domestic violence, sexual assault, stalking, or human trafficking be disclosed in any civil or criminal proceeding.

(4) A communication remains confidential for purposes of this section if made in the presence of or communicated to third parties: (a) present to further the interest of the victim in receiving services; (b) necessary for the transmission of the communication; or (c) to whom disclosure is reasonably necessary to accomplish the purposes for the victim is seeking services.

(5) Nonpersonally identifying information or data in the aggregate regarding services to clients and nonpersonally identifying demographic information may be disclosed by victim service providers for purposes of submitting reports, obtaining funding, conducting evaluation or complying with data collection requirements.

(6) An advocate or victim service provider who makes any disclosure in violation of this section shall be civilly liable to the person whose personal information was disclosed in the amount

of Ten Thousand Dollars ($10,000.00), plus any compensatory damages that the individual may have suffered as the result of the disclosure.

(7) Nothing in this section shall affect any confidentiality or privilege provisions established by law or court rule.

(8) Nothing in this section shall prevent the sharing of law enforcement or court-generated information gathered in furtherance of an investigation or prosecution of a crime.

(9) Nothing in this section shall prevent the disclosure of confidential victim communication by any governmental or private participant of a meeting of a multidisciplinary child protection team created pursuant to Section 43-15-51, such disclosures to be governed by Section 43-15-51(5).

(10) Nothing in this section shall prevent an advocate from a governmental organization from sharing victim information with necessary persons to accomplish the duties of the job or to satisfy statutory or constitutional requirements of disclosure, including, but not limited to, a right to due process in connection with an educational or other property interest.

(11) Nothing in this section shall be construed as creating a cause of action for damages against the state or any of its agencies, officials, employees or political subdivisions.

**SECTION 2.** Section 93-21-109, Mississippi Code of 1972, is amended as follows:

93-21-109. * * * Records maintained by domestic violence shelters, except the official minutes of the board of directors of the shelter, and financial reports filed as required by statute with the board of supervisors or municipal authorities or any other agency of government, shall be withheld from public disclosure under the provisions of the Mississippi Public Records Act of 1983.

* * *

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1490

**Description:** Judicial districts; revise certain chancery and circuit.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* ** See Text

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary A; Appropriations |
| 2 | 02/27 | (H) DR - TSDPAA: JA To AP |
| 3 | 03/03 | (H) DR - TSDPAA: AP To JA |
| 4 | 03/03 | (H) Title Suff Do Pass As Amended |
| 5 | 03/11 | (H) Read the Third Time |
| 6 | 03/12 | (H) Amended |
| 7 | 03/12 | (H) Passed As Amended {Vote} |
| 8 | 05/26 | (H) Transmitted To Senate |
| 9 | 06/03 | (S) Referred To Judiciary, Division A; Appropriations |
| 10 | 06/04 | (S) DR - TSDPAA: JA To AP |
| 11 | 06/09 | (S) Title Suff Do Pass As Amended |
| 12 | 06/16 | (S) Amended |
| 13 | 06/16 | (S) Passed As Amended {Vote} |
| 14 | 06/18 | (S) Returned For Concurrence |
| 15 | 06/19 | (H) Decline to Concur/Invite Conf |
| 16 | 06/23 | (H) Conferees Named Cockerham,Lamar,Blackmon |
| 17 | 06/24 | (H) Conferees Named Cockerham,Lamar,White |
| 18 | 06/24 | (S) Conferees Named Doty,McCaughn,Parker |
| 19 | 06/29 | (H) Conference Report Filed |
| 20 | 06/29 | (S) Conference Report Filed |
| 21 | 06/30 | (H) Conference Report Adopted {Vote} |
| 22 | 06/30 | (S) Conference Report Adopted {Vote} |
| 23 | 07/02 | (S) Enrolled Bill Signed |
| 24 | 07/02 | (H) Enrolled Bill Signed |
| 25 | 07/08 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1Tabled

[H] Amendment No 2 ***Adopted*** Voice Vote
[H] Amendment No 3 ***Adopted*** Voice Vote
[H] Substitute No 1 for Amendment No 2Withdrawn
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1490
Conference Reports:
| Conference Report

**Code Section:** A 025-0031-0005, A 025-0031-0010, A 009-0007-0045, A 009-0007-0046, A 009-0005-0013

**----- Additional Information -----**

***House Committee:*** Judiciary A, Appropriations
***Senate Committee:*** Judiciary, Division A, Appropriations

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF LEGAL ASSISTANTS IN THE SEVENTEENTH CIRCUIT COURT DISTRICT AND TO PROVIDE LEGAL ASSISTANTS FOR THE TWENTY-THIRD CIRCUIT COURT DISTRICT; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF CRIMINAL INVESTIGATORS FOR DISTRICT ATTORNEYS TO CONFORM TO THE PRECEDING SECTION; TO CREATE NEW SECTION 9-7-63, MISSISSIPPI CODE OF 1972, TO CREATE THE TWENTY-THIRD CIRCUIT COURT DISTRICT; TO CREATE NEW SECTION 9-7-64, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE JUDGES OF THE TWENTY-THIRD CIRCUIT DISTRICT; TO AMEND SECTION 9-7-45, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF COUNTIES IN THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-46, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF JUDGES FOR THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972, TO ADD ONE CHANCELLOR TO THE THIRD CHANCERY COURT DISTRICT AT A LATER DATE; TO PROVIDE THE PROCEDURE TO FILL THE JUDICIAL OFFICE AND OFFICE OF DISTRICT ATTORNEY FOR THE TWENTY-THIRD CIRCUIT COURT DISTRICT AND THE NEW CHANCELLORSHIP FOR THE THIRD CHANCERY DISTRICT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar

To: Judiciary A; Appropriations

HOUSE BILL NO. 1490
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-31-5, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF LEGAL ASSISTANTS IN THE SEVENTEENTH CIRCUIT COURT DISTRICT AND TO PROVIDE LEGAL ASSISTANTS FOR THE TWENTY-THIRD CIRCUIT COURT DISTRICT; TO AMEND SECTION 25-31-10, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF CRIMINAL INVESTIGATORS FOR DISTRICT ATTORNEYS TO CONFORM TO THE PRECEDING SECTION; TO CREATE NEW SECTION 9-7-63, MISSISSIPPI CODE OF 1972, TO CREATE THE TWENTY-THIRD CIRCUIT COURT DISTRICT; TO CREATE NEW SECTION 9-7-64, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE JUDGES OF THE TWENTY-THIRD CIRCUIT DISTRICT; TO AMEND SECTION 9-7-45, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF COUNTIES IN THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-7-46, MISSISSIPPI CODE OF 1972, TO REDUCE THE NUMBER OF JUDGES FOR THE SEVENTEENTH CIRCUIT COURT DISTRICT; TO AMEND SECTION 9-5-13, MISSISSIPPI CODE OF 1972, TO ADD ONE CHANCELLOR TO THE THIRD CHANCERY COURT DISTRICT AT A LATER DATE; TO PROVIDE THE PROCEDURE TO FILL THE JUDICIAL OFFICE AND OFFICE OF DISTRICT ATTORNEY FOR THE TWENTY-THIRD CIRCUIT COURT DISTRICT AND THE NEW CHANCELLORSHIP FOR THE THIRD CHANCERY DISTRICT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 25-31-5, Mississippi Code of 1972, is amended as follows:

**[Until January 1, 2023, this section shall read as follows:]**

25-31-5. (1) The following number of full-time legal assistants are authorized in the following circuit court districts:

(a) First Circuit Court District..... nine (9) legal assistants.

(b) Second Circuit Court District..... ten (10) legal assistants.

(c) Third Circuit Court District..... five (5) legal assistants.

(d) Fourth Circuit Court District..... six (6) legal assistants.

(e) Fifth Circuit Court District..... five (5) legal assistants.

(f) Sixth Circuit Court District..... two (2) legal assistants.

(g) Seventh Circuit Court District.....eleven (11) legal assistants.

(h) Eighth Circuit Court District..... three (3) legal assistants.

(i) Ninth Circuit Court District..... three (3) legal assistants.

(j) Tenth Circuit Court District..... four (4) legal assistants.

(k) Eleventh Circuit Court District..... five (5) legal assistants.

(l) Twelfth Circuit Court District..... five (5) legal assistants.

(m) Thirteenth Circuit Court District..... four (4)

legal assistants.

(n) Fourteenth Circuit Court District..... five (5) legal assistants.

(o) Fifteenth Circuit Court District..... six (6) legal assistants.

(p) Sixteenth Circuit Court District ..... five (5) legal assistants.

(q) Seventeenth Circuit Court District..... seven (7) legal assistants.

(r) Eighteenth Circuit Court District..... two (2) legal assistants.

(s) Nineteenth Circuit Court District..... six (6) legal assistants.

(t) Twentieth Circuit Court District..... six (6) legal assistants.

(u) Twenty-first Circuit Court District..... three (3) legal assistants.

(v) Twenty-second Circuit Court District..... three (3) legal assistants.

(2) In addition to any legal assistants authorized pursuant to subsection (1) of this section, the following number of full-time legal assistants are authorized (i) in the following circuit court districts if funds are appropriated by the Legislature to adequately fund the salaries, expenses and fringe benefits of such legal assistants, or (ii) in any of the following

circuit court districts in which the board of supervisors of one or more of the counties in a circuit court district adopts a resolution to pay all of the salaries, supplemental pay, expenses and fringe benefits of legal assistants authorized in such district pursuant to this subsection:

(a) First Circuit Court District..... two (2) legal assistants.

(b) Second Circuit Court District..... two (2) legal assistants.

(c) Third Circuit Court District..... two (2) legal assistants.

(d) Fourth Circuit Court District..... two (2) legal assistants.

(e) Fifth Circuit Court District..... two (2) legal assistants.

(f) Sixth Circuit Court District..... two (2) legal assistants.

(g) Seventh Circuit Court District..... two (2) legal assistants.

(h) Eighth Circuit Court District..... two (2) legal assistants.

(i) Ninth Circuit Court District..... two (2) legal assistants.

(j) Tenth Circuit Court District..... two (2) legal assistants.

(k) Eleventh Circuit Court District..... two (2) legal assistants.

(l) Twelfth Circuit Court District..... two (2) legal assistants.

(m) Thirteenth Circuit Court District..... two (2) legal assistants.

(n) Fourteenth Circuit Court District..... two (2) legal assistants.

(o) Fifteenth Circuit Court District..... two (2) legal assistants.

(p) Sixteenth Circuit Court District..... two (2) legal assistants.

(q) Seventeenth Circuit Court District..... two (2) legal assistants.

(r) Eighteenth Circuit Court District..... two (2) legal assistants.

(s) Nineteenth Circuit Court District..... two (2) legal assistants.

(t) Twentieth Circuit Court District..... two (2) legal assistants.

(u) Twenty-first Circuit Court District..... two (2) legal assistants.

(v) Twenty-second Circuit Court District..... two (2) legal assistants.

(3) The board of supervisors of any county may pay all or a part of the salary, supplemental pay, expenses and fringe benefits of any district attorney or legal assistant authorized in the circuit court district to which such county belongs pursuant to this section.

(4) The district attorney of any circuit court district may employ additional legal assistants or criminal investigators, or both, without regard to any limitation on the number of legal assistants authorized in this section or criminal investigators authorized by other provisions of law to the extent that the district attorney's office receives funds from any source. Any source shall include, but is not limited to, office generated funds, funds from a county, a combination of counties, a municipality, a combination of municipalities, federal funds, private grants or foundations, or by means of an Interlocal Cooperative Agreement authorized by Section 17-13-1 which may be expended for those positions in an amount sufficient to pay all of the salary, supplemental pay, expenses and fringe benefits of the positions. Such funds may either be paid out of district attorney accounts, transferred by the district attorney to the Department of Finance and Administration or to one or more of the separate counties comprising the circuit court district, and said funds shall be disbursed to such employees in the same manner as state-funded criminal investigators and full-time legal assistants. The district attorney shall report to the board of

supervisors of each county comprising the circuit court district the amount and source of the supplemental salary, expenses and fringe benefits, and the board in each county shall spread the same on its minutes. The district attorney shall also report such information to the Department of Finance and Administration which shall make such information available to the Legislative Budget Office.

(5) The district attorney shall be authorized to assign the duties of a legal assistant regardless of the source of funding for such legal assistants.

**[From and after January 1, 2023, this section shall read as follows:]**

25-31-5. (1) The following number of full-time legal assistants are authorized in the following circuit court districts:

(a) First Circuit Court District.....nine (9) legal assistants.

(b) Second Circuit Court District.....ten (10) legal assistants.

(c) Third Circuit Court District.....five (5) legal assistants.

(d) Fourth Circuit Court District.....six (6) legal assistants.

(e) Fifth Circuit Court District.....five (5) legal assistants.

(f) Sixth Circuit Court District.....two (2) legal assistants.

(g) Seventh Circuit Court District.....eleven (11) legal assistants.

(h) Eighth Circuit Court District.....three (3) legal assistants.

(i) Ninth Circuit Court District.....three (3) legal assistants.

(j) Tenth Circuit Court District.....four (4) legal assistants.

(k) Eleventh Circuit Court District.....five (5) legal assistants.

(l) Twelfth Circuit Court District.....five (5) legal assistants.

(m) Thirteenth Circuit Court District.....four (4) legal assistants.

(n) Fourteenth Circuit Court District.....five (5) legal assistants.

(o) Fifteenth Circuit Court District.....six (6) legal assistants.

(p) Sixteenth Circuit Court District.....five (5) legal assistants

(q) Seventeenth Circuit Court District.. * * * three (3) legal assistants.

(r) Eighteenth Circuit Court District.....two (2)

legal assistants.

(s) Nineteenth Circuit Court District.....six (6) legal assistants.

(t) Twentieth Circuit Court District.....six (6) legal assistants.

(u) Twenty-first Circuit Court District.....three (3) legal assistants.

(v) Twenty-second Circuit Court District.....three (3) legal assistants.

(w) Twenty-third Circuit Court District .....four (4) legal assistants.

(2) In addition to any legal assistants authorized pursuant to subsection (1) of this section, the following number of full-time legal assistants are authorized (i) in the following circuit court districts if funds are appropriated by the Legislature to adequately fund the salaries, expenses and fringe benefits of such legal assistants, or (ii) in any of the following circuit court districts in which the board of supervisors of one or more of the counties in a circuit court district adopts a resolution to pay all of the salaries, supplemental pay, expenses and fringe benefits of legal assistants authorized in such district pursuant to this subsection:

(a) First Circuit Court District.....two (2) legal assistants.

(b) Second Circuit Court District.....two (2)

legal assistants.

(c) Third Circuit Court District.....two (2) legal assistants.

(d) Fourth Circuit Court District.....two (2) legal assistants.

(e) Fifth Circuit Court District.....two (2) legal assistants.

(f) Sixth Circuit Court District.....two (2) legal assistants.

(g) Seventh Circuit Court District.....two (2) legal assistants.

(h) Eighth Circuit Court District.....two (2) legal assistants.

(i) Ninth Circuit Court District.....two (2) legal assistants.

(j) Tenth Circuit Court District.....two (2) legal assistants.

(k) Eleventh Circuit Court District.....two (2) legal assistants.

(l) Twelfth Circuit Court District.....two (2) legal assistants.

(m) Thirteenth Circuit Court District.....two (2) legal assistants.

(n) Fourteenth Circuit Court District.....two (2) legal assistants.

(o) Fifteenth Circuit Court District.....two (2) legal assistants.

(p) Sixteenth Circuit Court District.....two (2) legal assistants.

(q) Seventeenth Circuit Court District.....two (2) legal assistants.

(r) Eighteenth Circuit Court District.....two (2) legal assistants.

(s) Nineteenth Circuit Court District.....two (2) legal assistants.

(t) Twentieth Circuit Court District.....two (2) legal assistants.

(u) Twenty-first Circuit Court District.....two (2) legal assistants.

(v) Twenty-second Circuit Court District.....two (2) legal assistants.

(w) Twenty-third Circuit Court District.....two (2) legal assistants.

(3) The board of supervisors of any county may pay all or a part of the salary, supplemental pay, expenses and fringe benefits of any district attorney or legal assistant authorized in the circuit court district to which such county belongs pursuant to this section.

(4) The district attorney of any circuit court district may employ additional legal assistants or criminal investigators, or

both, without regard to any limitation on the number of legal assistants authorized in this section or criminal investigators authorized by other provisions of law to the extent that the district attorney's office receives funds from any source. Any source shall include, but is not limited to, office generated funds, funds from a county, a combination of counties, a municipality, a combination of municipalities, federal funds, private grants or foundations, or by means of an Interlocal Cooperative Agreement authorized by Section 17-13-1 which may be expended for those positions in an amount sufficient to pay all of the salary, supplemental pay, expenses and fringe benefits of the positions. Such funds may either be paid out of district attorney accounts, transferred by the district attorney to the Department of Finance and Administration or to one or more of the separate counties comprising the circuit court district, and * * * the funds shall be disbursed to such employees in the same manner as state-funded criminal investigators and full-time legal assistants. The district attorney shall report to the board of supervisors of each county comprising the circuit court district the amount and source of the supplemental salary, expenses and fringe benefits, and the board in each county shall spread the same on its minutes. The district attorney shall also report such information to the Department of Finance and Administration which shall make such information available to the Legislative Budget Office.

(5) The district attorney shall be authorized to assign the duties of a legal assistant regardless of the source of funding for such legal assistants.

**SECTION 2.** Section 25-31-10, Mississippi Code of 1972, is amended as follows:

**[Until January 1, 2023, this section shall read as follows:]**

25-31-10. (1) Any district attorney may appoint a full-time criminal investigator.

(2) The district attorneys of the Third, Fifth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Twentieth Circuit Court Districts may appoint one (1) additional full-time criminal investigator for a total of two (2) full-time criminal investigators.

(3) The district attorneys of the First, Second, Fourth, Seventh and Nineteenth Circuit Court Districts may appoint two (2) additional full-time criminal investigators for a total of three (3) full-time criminal investigators.

(4) No district attorney or assistant district attorney shall accept any private employment, civil or criminal, in any matter investigated by such criminal investigators.

(5) The full and complete compensation for all public duties rendered by said criminal investigators shall be not more than Fifty-nine Thousand Five Hundred Dollars ($59,500.00) per annum, to be determined at the discretion of the district attorney based upon the qualifications, education and experience of the criminal

investigator, plus necessary travel and other expenses, to be paid in accordance with Section 25-31-8. However, the maximum salary under this subsection for a criminal investigator who has a law degree may be supplemented by the district attorney from other available funds, but not to exceed the maximum salary for a legal assistant to a district attorney.

(6) Any criminal investigator may be designated by the district attorney to attend the Law Enforcement Officers Training Program set forth in Section 45-6-1 et seq., Mississippi Code of 1972. The total expenses associated with attendance by criminal investigators at the Law Enforcement Officers Training Program shall be paid out of the funds of the appropriate district attorney.

(7) The district attorney shall be authorized to assign the duties of criminal investigators regardless of the source of funding for such criminal investigators.

**[From and after January 1, 2023, this section shall read as follows:]**

25-31-10. (1) Any district attorney may appoint a full-time criminal investigator.

(2) The district attorneys of the Third, Fifth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth * * *, Twentieth and Twenty-third Circuit Court Districts may appoint one (1) additional full-time criminal

investigator for a total of two (2) full-time criminal investigators.

(3) The district attorneys of the First, Second, Fourth, Seventh and Nineteenth Circuit Court Districts may appoint two (2) additional full-time criminal investigators for a total of three (3) full-time criminal investigators.

(4) No district attorney or assistant district attorney shall accept any private employment, civil or criminal, in any matter investigated by such criminal investigators.

(5) The full and complete compensation for all public duties rendered by * * * the criminal investigators shall be not more than Fifty-nine Thousand Five Hundred Dollars ($59,500.00) per annum, to be determined at the discretion of the district attorney based upon the qualifications, education and experience of the criminal investigator, plus necessary travel and other expenses, to be paid in accordance with Section 25-31-8. However, the maximum salary under this subsection for a criminal investigator who has a law degree may be supplemented by the district attorney from other available funds, but not to exceed the maximum salary for a legal assistant to a district attorney.

(6) Any criminal investigator may be designated by the district attorney to attend the Law Enforcement Officers Training Program set forth in Section 45-6-1 et seq. * * * The total expenses associated with attendance by criminal investigators at

the Law Enforcement Officers Training Program shall be paid out of the funds of the appropriate district attorney.

(7) The district attorney shall be authorized to assign the duties of criminal investigators regardless of the source of funding for such criminal investigators.

**SECTION 3.** The following section shall be codified as Section 9-7-63, Mississippi Code of 1972:

9-7-63. The Twenty-third Circuit Court District shall be DeSoto County.

**SECTION 4.** The following section shall be codified as Section 9-7-64, Mississippi Code of 1972:

9-7-64. (1) There shall be two (2) circuit judges for the Twenty-third Circuit Court District.

(2) For the purposes of appointment and election, the two (2) judgeships shall be separate and distinct and denominated as "Place One" and "Place Two."

**SECTION 5.** Section 9-7-45, Mississippi Code of 1972, is amended as follows:

**[Until January 1, 2023, this section shall read as follows:]**

9-7-45. The Seventeenth Circuit Court District shall be divided into two (2) subdistricts as follows:

(a) Subdistrict 17-1 shall be composed of DeSoto County; and

(b) Subdistrict 17-2 shall be composed of Panola County, Tallahatchie County, Tate County and Yalobusha County.

**[From after January 1, 2023, this section shall read as follows:]**

9-7-45. The Seventeenth Circuit Court District shall be * * * composed of the following counties:

* * *

(a) Panola County * * *;

(b) Tallahatchie County * * *;

(c) Tate County; and

(d) Yalobusha County.

**SECTION 6.** Section 9-7-46, Mississippi Code of 1972, is amended as follows:

**[Until January 1, 2023, this section shall read as follows:]**

9-7-46. (1) There shall be four (4) circuit judges for the Seventeenth Circuit Court District.

(2) For the purpose of appointment and election, the four (4) judgeships shall be separate and distinct, and one (1) judge shall be elected from Subdistrict 17-1, two (2) judges shall be elected from Subdistrict 17-2, and one (1) judge shall be elected from every county in the district. The two (2) judgeships in Subdistrict 17-2 shall be denominated as "Place One" and "Place Two," the judgeship in Subdistrict 17-1 shall be denominated as "Place Three," and the at-large judgeship shall be denominated as "Place Four."

**[From and after January 1, 2023, this section shall read as follows:]**

9-7-46. (1) There shall be * * * two (2) circuit judges for the Seventeenth Circuit Court District.

(2) For the purpose of appointment and election, the * * * two (2) judgeships shall be separate and distinct, and * * * be denominated as "Place One" and "Place Two * * *."

**SECTION 7.** Section 9-5-13, Mississippi Code of 1972, is amended as follows:

**[Until January 1, 2027, this section shall read as follows:]**

9-5-13. (1) There shall be three (3) chancellors for the Third Chancery Court District.

(2) (a) The chancellor of Subdistrict 3-1 shall be elected from DeSoto County. The two (2) chancellors of Subdistrict 3-2 shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County.

(b) For purposes of appointment and election, the three (3) chancellorships shall be separate and distinct. The chancellorship in Subdistrict 3-1 shall be denominated only as "Place One," and the chancellorships in Subdistrict 3-2 shall be denominated only as "Place Two" and "Place Three."

**[From after January 1, 2027, this section shall read as follows:]**

9-5-13. (1) There shall be * * * four (4) chancellors for the Third Chancery Court District.

(2) (a) The two (2) chancellors of Subdistrict 3-1 shall be elected from DeSoto County. The two (2) chancellors of

Subdistrict 3-2 shall be elected from Grenada County, Montgomery County, Panola County, Tate County and Yalobusha County.

(b) For purposes of appointment and election, the * * * four (4) chancellorships shall be separate and distinct and denominated as "Place One," "Place Two," "Place Three" and "Place Four". The chancellorships in Subdistrict 3-1 shall be denominated only as "Place One * * *" and "Place Four" and the chancellorships in Subdistrict 3-2 shall be denominated only as "Place Two" and "Place Three."

**SECTION 8.** (1) The new circuit judge position created for the Twenty-third Circuit Court District by virtue of this act shall be filled during the November 2022 judicial election in accordance with Sections 23-15-974 through 23-15-985.

(2) (a) The office of district attorney for the Twenty-third Circuit Court District created by virtue of this act shall be filled by the person who holds the office of district attorney for the Seventeenth Circuit Court District on December 31, 2022. Such person shall serve as the district attorney for the Twenty-third Circuit Court District until a successor for such office is elected in the November 2023 general election. Notwithstanding any other provision of law to the contrary regarding residency of candidates for the office of district attorney, the person serving as the district attorney for the Seventeenth Circuit Court District as of December 31, 2022, may qualify as a candidate to run for the office of district attorney

for the Twenty-third Circuit Court District in the November 2023 general election, if such person is otherwise qualified as a candidate as provided by law.

(b) The vacancy created by virtue of paragraph (a) of this subsection (2) for the office of district attorney for the Seventeenth Circuit Court District shall be filled by special election on the date set for judicial elections in November 2022, with such person taking office as district attorney for the Seventeenth Circuit Court District on January 1, 2023, for a term to expire as is provided for district attorneys generally. The date and deadline to qualify as a candidate in the special election for such office shall be the same as for judicial candidates for the November 2022 judicial elections.

(3) The new chancellorship position created for the Third Chancery Court District by virtue of this act shall be filled during the November 2026 judicial election in accordance with Sections 23-15-974 through 23-15-985.

**SECTION 9.** Monies appropriated for the purposes of funding drug courts in the Seventeenth and the Twenty-third Circuit Court Districts as described in this act shall be apportioned equally.

**SECTION 10.** Sections 3 and 4 of this act shall take effect and be in force from and after January 1, 2023, and the remainder of this act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1521

**Description:** Absentee ballots; revise procedures and timeline for mailing to voter and receiving from voter.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Apportionment and Elections |
| 2 | 02/27 | (H) Title Suff Do Pass |
| 3 | 03/10 | (H) Passed {Vote} |
| 4 | 03/11 | (H) Transmitted To Senate |
| 5 | 05/11 | (S) Referred To Elections |
| 6 | 06/08 | (S) Title Suff Do Pass As Amended |
| 7 | 06/15 | (S) Amended |
| 8 | 06/15 | (S) Passed As Amended {Vote} |
| 9 | 06/17 | (S) Returned For Concurrence |
| 10 | 06/19 | (H) Decline to Concur/Invite Conf |
| 11 | 06/22 | (H) Conferees Named Beckett,Eubanks,Reynolds |
| 12 | 06/22 | (S) Conferees Named Branning,Tate,Blount |
| 13 | 06/26 | (H) Conference Report Filed |
| 14 | 06/26 | (S) Conference Report Filed |
| 15 | 06/28 | (H) Conference Report Adopted {Vote} |
| 16 | 06/29 | (S) Conference Report Adopted {Vote} |
| 17 | 06/29 | (S) Motion to Reconsider Entered |
| 18 | 06/30 | (S) Motion to Reconsider Tabled |
| 19 | 07/01 | (H) Enrolled Bill Signed |
| 20 | 07/02 | (S) Enrolled Bill Signed |
| 21 | 07/08 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 to Committee Amendment No 1Lost Voice Vote
[S] Amendment No 3 to Committee Amendment No 1Lost Voice Vote
[S] Amendment No 4 to Committee Amendment No 1 ***Adopted*** Voice Vote

[S] Amendment No 5 to Committee Amendment No 1Lost Voice Vote
Amendment Report for House Bill No. 1521
Conference Reports:
| Conference Report

**Code Section:** A 023-0015-0637, A 023-0015-0651, A 023-0015-0645, A 023-0015-0649, A 023-0015-0627, A 023-0015-0713, A 023-0015-0715, A 023-0015-0719, A 023-0015-0625, A 023-0015-0629, A 023-0015-0631, A 023-0015-0635, A 023-0015-0639, A 023-0015-0641, A 023-0015-0647, A 023-0015-0699, A 023-0015-0721, A 023-0015-0731, A 023-0015-0733, A 023-0015-0735

**----- Additional Information -----**

***House Committee:*** Apportionment and Elections
***Senate Committee:*** Elections

***Principal Author:*** Beckett

***Title:*** AN ACT TO AMEND SECTIONS 23-15-637 AND 23-15-651, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY MAIL MUST BE POSTMARKED BY THE DATE OF THE ELECTION AND RECEIVED BY THE REGISTRAR NO MORE THAN FIVE BUSINESS DAYS AFTER THE ELECTION; TO PRESCRIBE THE TIME FOR CASING ALL ABSENTEE BALLOTS IN PERSON IN THE OFFICE OF THE REGISTRAR TO BE DEPOSITED IN A SECURED AND SEALED BOX IN THE CIRCUIT CLERK'S OFFICE UPON RECEIPT; TO PROVIDE THAT THE BALLOT BOX USED SHALL BE SEALED AT THE CLOSE OF EACH BUSINESS DAY AND SHALL REMAIN SEALED UNTIL THE BEGINNING OF THE NEXT BUSINESS DAY; TO PROVIDE THAT ALL VOTES CAST BY ABSENTEE BALLOT SHALL BE FINAL; TO PROVIDE THAT NO PERSON WHO VOTES ABSENTEE BEFORE THE ELECTION SHALL BE ALLOWED TO VOTE IN PERSON ON ELECTION DAY; TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE CERTAIN RULES RELATING TO ABSENTEE BALLOTS; TO AMEND SECTION 23-15-645, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS CAST IN THE REGISTRAR'S OFFICE SHALL BE PROCESSED ON ELECTION DAY AND ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION DAY; TO PROVIDE FOR THE RETENTION AND DESTRUCTION OF PACKAGES OF PROTESTED, VOID AND WHOLLY BLANK BALLOTS, VOTED BALLOTS, OPEN PACKAGES OF UNUSED BALLOTS, SEALED PACKAGES OF UNUSED BALLOTS, AND ALL ABSENTEE AND MILITARY BALLOTS AND BALLOT ENVELOPES; TO AMEND SECTION 23-15-649, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE ELECTION OFFICIALS SHALL PREPARE ABSENTEE BALLOTS IN THE SAME FORM AS OFFICIAL BALLOTS OR BALLOTS WITH A HEADER OF DIFFERENT TINT; TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE ELIGIBILITY FOR ABSENTEE VOTING IN PERSON OR BY MAIL TO ANY PERSON UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE OF THE ELECTION DISTRICT IN WHICH HE OR SHE IS A QUALIFIED VOTER BECAUSE OF A PHYSICIAN-IMPOSED QUARANTINE DUE TO COVID-19 DURING THE YEAR 2020 OR THE VOTER IS CARING FOR A

PERSON WHO MAY BE EXPOSED TO SUCH RISK; TO AMEND SECTIONS 23-15-715 AND 23-15-719, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE REGISTRAR SHALL MAIL TOGETHER TO THE ABSENTEE VOTER THE APPLICATION AND PROPER ABSENTEE VOTER BALLOT; TO PROVIDE CERTAIN CONDITIONS ON COUNTING ABSENTEE BALLOTS BY THE RESOLUTION BOARD; TO AMEND SECTIONS 23-15-625, 23-15-629, 23-15-631, 23-15-635, 23-15-639, 23-15-641, 23-15-647, 23-15-699, 23-15-721, 23-15-731, 23-15-733 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1521

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2020

By: Representative Beckett

To: Apportionment and Elections

HOUSE BILL NO. 1521
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 23-15-637 AND 23-15-651, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY MAIL MUST BE POSTMARKED BY THE DATE OF THE ELECTION AND RECEIVED BY THE REGISTRAR NO MORE THAN FIVE BUSINESS DAYS AFTER THE ELECTION; TO PRESCRIBE THE TIME FOR CASING ALL ABSENTEE BALLOTS IN PERSON IN THE OFFICE OF THE REGISTRAR TO BE DEPOSITED IN A SECURED AND SEALED BOX IN THE CIRCUIT CLERK'S OFFICE UPON RECEIPT; TO PROVIDE THAT THE BALLOT BOX USED SHALL BE SEALED AT THE CLOSE OF EACH BUSINESS DAY AND SHALL REMAIN SEALED UNTIL THE BEGINNING OF THE NEXT BUSINESS DAY; TO PROVIDE THAT ALL VOTES CAST BY ABSENTEE BALLOT SHALL BE FINAL; TO PROVIDE THAT NO PERSON WHO VOTES ABSENTEE BEFORE THE ELECTION SHALL BE ALLOWED TO VOTE IN PERSON ON ELECTION DAY; TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE CERTAIN RULES RELATING TO ABSENTEE BALLOTS; TO AMEND SECTION 23-15-645, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ABSENTEE BALLOTS CAST IN THE REGISTRAR'S OFFICE SHALL BE PROCESSED ON ELECTION DAY AND ANNOUNCED SIMULTANEOUSLY WITH ALL OTHER VOTES CAST ON ELECTION DAY; TO PROVIDE FOR THE RETENTION AND DESTRUCTION OF PACKAGES OF PROTESTED, VOID AND WHOLLY BLANK BALLOTS, VOTED BALLOTS, OPEN PACKAGES OF UNUSED BALLOTS, SEALED PACKAGES OF UNUSED BALLOTS, AND ALL ABSENTEE AND MILITARY BALLOTS AND BALLOT ENVELOPES; TO AMEND SECTION 23-15-649, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE ELECTION OFFICIALS SHALL PREPARE ABSENTEE BALLOTS IN THE SAME FORM AS OFFICIAL BALLOTS OR BALLOTS WITH A HEADER OF DIFFERENT TINT; TO AMEND SECTIONS 23-15-627 AND 23-15-713, MISSISSIPPI CODE OF 1972, TO EXTEND THE ELIGIBILITY FOR ABSENTEE VOTING IN PERSON OR BY MAIL TO ANY PERSON UNABLE TO APPEAR PERSONALLY AT THE POLLING PLACE OF THE ELECTION DISTRICT IN WHICH HE OR SHE IS A QUALIFIED VOTER BECAUSE OF A PHYSICIAN-IMPOSED QUARANTINE DUE TO COVID-19 DURING THE YEAR 2020 OR THE VOTER IS CARING FOR A PERSON WHO MAY BE EXPOSED TO SUCH RISK; TO AMEND SECTIONS 23-15-715 AND 23-15-719, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR ALL ELECTIONS THE REGISTRAR SHALL MAIL TOGETHER TO THE ABSENTEE VOTER THE APPLICATION AND PROPER

ABSENTEE VOTER BALLOT; TO PROVIDE CERTAIN CONDITIONS ON COUNTING ABSENTEE BALLOTS BY THE RESOLUTION BOARD; TO AMEND SECTIONS 23-15-625, 23-15-629, 23-15-631, 23-15-635, 23-15-639, 23-15-641, 23-15-647, 23-15-699, 23-15-721, 23-15-731, 23-15-733 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 23-15-637, Mississippi Code of 1972, is amended as follows:

23-15-637. (1) (a) Absentee ballots and applications received by mail, except * * * for fax or electronically transmitted ballots as otherwise provided by Section 23-15-699 for UOCAVA ballots, must be * * * postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted.

(b) All ballots cast by the absent elector appearing in person in the office of the registrar shall be cast with an absentee paper ballot and deposited into a sealed ballot box by the voter, not later than 12:00 noon, or 5:00 p.m. during the year 2020 on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. At the close of business each day at the office of the registrar, the ballot box used shall be sealed and not unsealed until the beginning of the next business day, and the seal number shall be recorded with the number of

ballots cast which shall be stored in a secure location in the registrar's office.

(2) The registrar shall deposit all absentee ballots which have been timely cast and received by mail in * * * a secured and sealed box in a designated location in the registrar's office upon receipt. The registrar shall not send any absentee ballots to the precinct polling locations.

(3) The Secretary of State shall promulgate rules and regulations necessary to ensure that when a qualified elector who is qualified to vote absentee votes by absentee ballot, either by mail or in person with a regular paper ballot, that person's absentee vote is final and he or she may not vote at the polling place on election day. Notwithstanding any other provisions of law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure that absentee ballots shall remain in the registrar's office for counting and not be taken to the precincts on election day.

**SECTION 2.** Section 23-15-651, Mississippi Code of 1972, is amended as follows:

23-15-651. The results of the vote by absentee balloting shall be announced simultaneously with the vote cast on election day; provided that absentee ballots received after 7:00 p.m. the day before the election shall be kept in a secured and sealed ballot box, and shall be announced after the five-business-day period for receiving absentee ballots.

**SECTION 3.** Section 23-15-645, Mississippi Code of 1972, is amended as follows:

23-15-645. (1) Absentee ballots cast in the registrar's office and received by mail that are deposited into a sealed ballot box shall be processed on election day but not tallied until after closing of the polls and announced simultaneously with all other votes cast on election day.

(2) After the votes have been counted, the officials shall preserve all applications, envelopes and the list of absent voters along with the mailed paper and paper ballots and other election materials and return the same to the registrar.

(3) Notwithstanding any other provision of law to the contrary, for federal and presidential general, special or primary elections, packages of protested, void and wholly blank ballots, voted ballots, open packages of unused ballots, sealed packages of unused ballots, and all absentee and military ballots and ballot envelopes, if any, shall be preserved for twenty-two (22) months after the date of any such general, special or primary election. For all other statewide, county or municipal elections, sealed packages of unused ballots, packages of protested, void and wholly blank ballots, open packages of unused ballots and all absentee and military ballots and ballot envelopes shall be retained for four (4) months, and may then be destroyed, provided a certificate articulating the election district identifying data and numbers of such ballots is filed with the balance of ballots described in

this section, for the balance of the twenty-two-month retention period.

**SECTION 4.** Section 23-15-649, Mississippi Code of 1972, is amended as follows:

23-15-649. For all elections, * * * the election officials shall prepare and print, as soon as the deadline for the qualification of candidates has passed or forty-five (45) days * * * before the election, whichever is later, official ballots for each voting precinct to be known as absentee voter ballots, which ballots shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot except that they shall be printed on tinted paper of a tint different from that of the regular official ballot or with a header of different tint.

**SECTION 5.** Section 23-15-627, Mississippi Code of 1972, is amended as follows:

23-15-627. Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the office of the registrar in the county in which he or she resides. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Except as otherwise provided in Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child,

spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be * * * used to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section. Such application shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ___ Precinct of the County of _____, and State of Mississippi, coming within the purview of the definition 'ABSENT ELECTOR' will be absent from the county of my residence on election day, or unable to vote in person because (check appropriate reason):

( ) (PRESIDENTIAL APPLICANT ONLY:) I am currently a resident of Mississippi or have moved therefrom within thirty (30) days of the coming presidential election.

( ) I am an enlisted or commissioned member, male or female, of any component of the United States Armed Forces and am a citizen of Mississippi, or spouse or dependent of such member.

( ) I am a member of the Merchant Marine or the American Red Cross and am a citizen of Mississippi or spouse or dependent of such member.

( ) I am a disabled war veteran who is a patient in any hospital and am a citizen of Mississippi or spouse or dependent of such veteran.

( ) I am a civilian attached to and serving outside of the United States with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and am a citizen of Mississippi or spouse or dependent of such civilian.

( ) I am a citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia.

( ) I am a student, teacher or administrator at a college, university, junior or community college, high, junior high, elementary or grade school, whose studies or employment at such institution necessitates my absence from the county of my voting residence or spouse or dependent of such student, teacher or administrator who maintains a common domicile outside the county of my voting residence with such student, teacher or administrator.

( ) I will be outside the county on election day.

( ) I have a temporary or permanent physical disability, which may include, but is not limited to, a physician-imposed quarantine due to COVID-19 during the year 2020. Or, I am caring for a dependent that is under a physician-imposed quarantine due to COVID-19 beginning with the effective date of this act and the same being repealed on December 31, 2020.

( ) I am sixty-five (65) years of age or older.

( ) I am the parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside his or her county of residence or more than fifty (50) miles away from his or her residence, and I will be with such person on election day.

( ) I am a member of the congressional delegation, or spouse or dependent of a member of the congressional delegation.

( ) I am required to be at work on election day during the times which the polls will be open.

I hereby make application for an official ballot, or ballots, to be voted by me at the election to be held in _____, on _____.

Mail 'Absent Elector's Ballot' to me at the following address _____ * * *.

( ) I wish to receive an absentee ballot for the runoff election _____.

I realize that I can be fined up to Five Thousand Dollars ($5,000.00) and sentenced up to five (5) years in the Penitentiary for making a false statement in this application and for selling

my vote and violating the Mississippi Absentee Voter Law. (This sentence is to be in bold print.)

If you are temporarily or permanently disabled, you are not required to have this application notarized or signed by an official authorized to administer oaths for absentee balloting. You are required to sign this application in the proper place and have a person eighteen (18) years of age or older witness your signature and sign this application in the proper place.

DO NOT SIGN WITHOUT READING. (This sentence is to be in bold print.)

IN WITNESS WHEREOF I have hereunto set my hand and seal this the ____ day of _____, 2___.

_____

(Signature of absent elector)

SWORN TO AND SUBSCRIBED before me this the ____ day of _____, 2___.

_____

(Official authorized to administer oaths for absentee balloting.)

TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY DISABLED:

I HEREBY CERTIFY that this application for an absent elector's ballot was signed by the above-named * * * elector in my presence and that I am at least eighteen (18) years of age, this the _____ day of _____, 2___.

_____

(Signature of witness)

CERTIFICATE OF DELIVERY

I hereby certify that _____ (print name of voter) has requested that I, _____ (print name of person delivering application), deliver to the voter this absentee ballot application.

_____

(Signature of person delivering application)

_____

(Address of person delivering application)"

**SECTION 6.** Section 23-15-713, Mississippi Code of 1972, is amended as follows:

23-15-713. For the purpose of this subarticle, any duly qualified elector may vote as provided in this subarticle if * * * the elector falls within at least one (1) of the following categories:

(a) Any qualified elector who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his or her absence from the county of his or her voting residence on the date of any primary, general or special election, or the spouse and dependents of * * * that student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the

county of his or her voting residence, with such student, teacher or administrator.

(b) Any qualified elector who is required to be away from his or her place of residence on any election day due to his or her employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of such person if he or she shall be residing with such absentee voter away from the county of the spouse's voting residence.

(c) Any qualified elector who is away from his or her county of residence on election day for any reason.

(d) Any person who has a temporary or permanent physical disability and who, because of such disability, is unable to vote in person without substantial hardship to himself, herself or others, or whose attendance at the voting place could reasonably cause danger to himself, herself or others. For purposes of this paragraph (d), "temporary physical disability" shall include any qualified elector who is under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19 beginning with the effective date of this act and the same being repealed on December 31, 2020.

(e) The parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside of his or her county of residence or more than fifty (50) miles distant from his or her residence, if the parent, spouse or

dependent will be with such person on election day. For purposes of this paragraph (e), "temporary physical disability" shall include any qualified elector who is under a physician-imposed quarantine due to COVID-19 during the year 2020 or is caring for a dependent who is under a physician-imposed quarantine due to COVID-19 beginning with the effective date of this act and the same being repealed on December 31, 2020.

(f) Any person who is sixty-five (65) years of age or older.

(g) Any member of the Mississippi congressional delegation absent from Mississippi on election day, and the spouse and dependents of such member of the congressional delegation.

(h) Any qualified elector who will be unable to vote in person because he or she is required to be at work on election day during the times at which the polls will be open.

**SECTION 7.** Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector desiring an absentee ballot as provided in this subarticle may secure same if:

(a) Not more than forty-five (45) days nor later than 12:00 noon, or 5:00 p.m. during the year 2020, on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days, he shall appear in person before the registrar of the county

in which he resides, or for municipal elections he shall appear in person before the city clerk of the municipality in which he resides and, when the elector so appears, he shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot, except that if the ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the circuit clerk to the elector as soon as the ballot has been printed.

(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this section by reason of temporarily residing outside the county, or any person who has a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is hospitalized outside of his county of residence or more than fifty (50) miles away from his residence and such parent, spouse or dependent will be with such person on election day, may make application for an absentee ballot by mailing the appropriate application to the registrar. Only persons temporarily residing out of the county of their residence, persons having a temporary or permanent physical disability, persons who are sixty-five (65) years of age or older, or any person who is the parent, spouse or dependent of a temporarily or permanently physically disabled person who is

hospitalized outside of his county of residence or more than fifty (50) miles away from his residence, and such parent, spouse or dependent will be with such person on election day, may obtain absentee ballots by mail under the provisions of this subsection and as provided by Section 23-15-713. Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

(c) Except when the voter has requested a runoff ballot on the initial absentee ballot application, upon request for a runoff ballot pursuant to Section 23-15-719, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter for the runoff election.

**SECTION 8.** Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) * * * Except where the registrar has already mailed a ballot with an application, upon receipt of a properly completed application form by an elector qualified to vote absentee as provided in this article, the registrar shall mail the absent voter an absentee ballot within one (1) business day, or as soon as the absentee ballot is prepared and available, containing the names of all the candidates and propositions, if any, to be voted on in the election. The registrar shall include with the absentee ballot an official envelope that complies with the provisions of this article, as well as information to comply with Section 23-15-641(3) related to the status of the elector's ballot. The registrar shall identify the applicant by requiring him to present identification as required by Section 23-15-563, and shall then deliver the ballots to the applicant by mail or to the applicant in the registrar's office. The registrar shall not personally hand deliver ballots to voters * * *. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

After * * * the absentee voter has sealed the envelope, he or she shall subscribe and swear to an affidavit and mail the ballot to the address provided on the absentee ballot official envelope. The affidavit shall be in the following form, which shall be

printed on the back of the envelope containing the applicant's ballot:

"STATE OF MISSISSIPPI

COUNTY OF _____

I, _____, do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the ___ day of _____, 2___, and I hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted.

I further swear that I marked the enclosed ballot in secret.

_____

(Signature of voter)

SWORN TO AND SUBSCRIBED before me, _____, this the ___ day of _____, 2___.

(Registrar) _____

(Registrar)"

After the completion of the requirements of this section, the elector shall deliver the envelope containing the ballot to the registrar.

(2) If the voter has received assistance in marking his ballot, the person providing the assistance shall complete the

following form which shall be printed on the back of the envelope containing the applicant's ballot:

"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has received assistance in marking the enclosed ballot.) I hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

_____

Signature of person providing assistance

_____

Printed name of person providing assistance

_____

Address of person providing assistance

_____

Date and time assistance provided

_____

Family relationship to voter (if any)"

(3) The envelope used pursuant to this section shall not contain the form prescribed by Section 23-15-635 and shall have printed on the flap on the back of the envelope in bold print and

in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

**SECTION 9.** Section 23-15-625, Mississippi Code of 1972, is amended as follows:

23-15-625. (1) The registrar shall be responsible for providing applications for absentee voting as provided in this section. At least sixty (60) days * * * before any election in which absentee voting is provided for by law, the registrar shall provide a sufficient number of applications. In the event a special election is called and set at a date which makes it impractical or impossible to prepare applications for absent elector's ballot sixty (60) days * * * before the election, the registrar shall provide applications as soon as practicable after the election is called. The registrar shall fill in the date of the particular election on the application for which the application will be used.

(2) The registrar shall be authorized to disburse applications for absentee ballots to any qualified elector within the county where he or she serves. Any person who presents to the registrar an oral or written request for an absentee ballot application for a voter entitled to vote absentee by mail, other than the elector who seeks to vote by absentee ballot, shall, in the presence of the registrar, sign the application and print on the application his or her name and address and the name of the

elector for whom the application is being requested in the place provided for on the application for that purpose. However, if for any reason such person is unable to write the information required, then the registrar shall write the information on a printed form which has been prescribed by the Secretary of State. The form shall provide a place for such person to place his or her mark after the form has been filled out by the registrar.

(3) It shall be unlawful for any person to solicit absentee ballot applications or absentee ballots for persons staying in any skilled nursing facility as defined in Section 41-7-173 * * * unless the person soliciting the absentee ballot applications or absentee ballots is:

(a) A family member of the person staying in the skilled nursing facility; or

(b) A person designated by the person for whom the absentee ballot application or absentee ballot is sought, the registrar or the deputy registrar.

As used in this subsection, "family member" means a spouse, parent, grandparent, sibling, adult child, grandchild or legal guardian.

(4) The registrar in the county wherein a voter is qualified to vote upon receiving by mail the envelope containing the absentee ballots shall keep an accurate list of all persons preparing such ballots * * *. The list shall be kept in a conspicuous place accessible to the public near the entrance

to * * * the registrar's office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee * * * by mail and in person to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots that voters mailed to the registrar shall be kept by the registrar * * * in his or her office in a secure location. At the time such boxes are delivered to the election commissioners or managers, the registrar shall also turn over a list of all such persons who have voted and whose mailed ballots are in * * * the registrar's office.

(5) The registrar shall also be authorized to mail one (1) application to any qualified elector of the county, who is eligible to vote by absentee ballot, for use in a particular election.

(6) The registrar shall process all applications for absentee ballots by using the Statewide Election Management System. The registrar shall account for all absentee ballots delivered to and received by mail as well as those who voted absentee in person from qualified voters by processing such ballots using the Statewide Election Management System.

**SECTION 10.** Section 23-15-629, Mississippi Code of 1972, is amended as follows:

23-15-629. (1) The application for an absentee ballot of a person who is permanently physically disabled shall be accompanied

by a statement signed by such person's physician, or nurse practitioner, which statement must show that the person signing the statement is a licensed, practicing medical doctor or nurse practitioner and must indicate that the person applying for the absentee ballot is permanently physically disabled to such a degree that it is difficult for him or her to vote in person.

(2) An application accompanied by the statement provided for in subsection (1) of this section shall entitle such permanently physically disabled person to automatically receive an absentee ballot for all elections on a continuing basis without the necessity for reapplication.

(3) The registrar of each county shall keep an accurate list of the names and addresses of all persons whose applications for absentee ballot are accompanied by the statement set forth in subsection (1) of this section. Sixty (60) days * * * before each election, the registrar shall deliver such list to the election commissioners * * * who shall examine the list and delete from it the names of all persons listed who are no longer qualified electors of the county. Upon completion of such examination, the election commissioners * * * shall return the list to the registrar by no later than forty-five (45) days * * * before the election.

(4) The registrar shall * * * mail a ballot to all persons who are determined by the election commissioners * * * to be

qualified electors pursuant to subsection (3) of this section by no later than forty (40) days * * * before the election.

**SECTION 11.** Section 23-15-631, Mississippi Code of 1972, is amended as follows:

23-15-631. (1) The registrar shall enclose with each ballot * * * mailed to an absent elector separate printed instructions furnished by the registrar containing the following:

(a) All absentee voters, excepting those with temporary or permanent physical disabilities or those who are sixty-five (65) years of age or older, who mark their ballots in the county of the residence shall use the registrar of that county as the witness. The absentee voter shall come to the office of the registrar and neither the registrar nor his or her deputy shall be required to go out of the registrar's office to serve as an attesting witness.

(b) Upon receipt of the enclosed ballot, you will not mark the ballot except in view or sight of the attesting witness. In the sight or view of the attesting witness, mark the ballot according to instructions.

(c) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on the back of the envelope so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on the back of the envelope. Place the necessary postage

on the envelope and deposit it in the post office or some government receptacle provided for deposit of mail so that the absent elector's ballot * * * will * * * be postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or other officer having authority to administer an oath or take an acknowledgment may be an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his or her signature on the elector's certificate must be authenticated by the cancellation stamp of their respective post offices. If an officer having authority to administer an oath or take an acknowledgement acts as attesting witness, his or her signature on the elector's certificate, together with his or her title and address, but no seal, shall be required. Any affidavits made by an absent elector who is in the Armed Forces may be executed before a commissioned officer, warrant officer, or noncommissioned

officer not lower in grade than sergeant rating or any person authorized to administer oaths.

(d) When the application accompanies the ballot it shall not be returned in the same envelope as the ballot but shall be returned in a separate preaddressed envelope provided by the registrar.

(e) A candidate for public office, or the spouse, parent or child of a candidate for public office, may not be an attesting witness for any absentee ballot upon which the candidate's name appears, unless the voter is related within the first degree to the candidate or the spouse, parent or child of the candidate.

(f) Any voter casting an absentee ballot who declares that he or she requires assistance to vote by reason of blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his or her absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, the spouse, parent or child of a candidate whose name appears on the absentee ballot being marked or the voter's employer, an agent of that employer or a union representative; however, a candidate whose name is on the ballot or the spouse, parent or child of such candidate may provide assistance upon request to any voter who is related within

the first degree. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

(2) The foregoing instructions required to be provided by the registrar to the elector shall also constitute the substantive law pertaining to the handling of absentee ballots by the elector and registrar.

(3) The Secretary of State shall prepare instructions on how absent voters may comply with the identification requirements of Section 23-15-563.

**SECTION 12.** Section 23-15-635, Mississippi Code of 1972, is amended as follows:

23-15-635. (1) The form of the elector's certificate, attesting witness certification and certificate of person providing voter assistance on the back of the envelope used by absentee voters * * * who are not absent voters as defined in Section 23-15-673, shall be as follows:

"ELECTOR'S CERTIFICATE

STATE OF _____

COUNTY * * * OF _____

I, _____, under penalty of perjury do solemnly swear that this envelope contains the ballot marked by me indicating my choice of the candidates or propositions to be submitted at the election to be held on the ___ day of _____, 2____, and I

hereby authorize the registrar to place this envelope in the ballot box on my behalf, and I further authorize the election managers to open this envelope and place my ballot among the other ballots cast before such ballots are counted, and record my name on the poll list as if I were present in person and voted.

I further swear that I marked the enclosed ballot in secret. **Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to One Thousand Dollars ($1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

_____

(Signature of voter)

CERTIFICATE OF ATTESTING WITNESS

Under penalty of perjury I affirm that the above named voter personally appeared before me, on this the ___ day of _____, 2____, and is known by me to be the person named, and who, after being duly sworn or having affirmed, subscribed the foregoing oath or affirmation. That the voter exhibited to me his or her blank ballot; that the ballot was not marked or voted before the voter exhibited the ballot to me; that the voter was not solicited or advised by me to vote for any candidate, question or issue, and that the voter, after marking his or her ballot, placed it in the envelope, closed and sealed the envelope in my presence, and signed and swore or affirmed the above certificate.

_____ _____

(Attesting witness) (Address)

_____ _____

(Official title) (City and State)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(To be completed only if the voter has received assistance in marking the enclosed ballot.) I, under penalty of perjury, hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions. **Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars ($5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to One Thousand Dollars ($1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

_____

Signature of person providing assistance

_____

Printed name of person providing assistance

_____

Address of person providing assistance

_____

Date and time assistance provided

_____

Family relationship to voter (if any)"

(2) The envelope * * * shall have printed on the flap on the back of the envelope in bold print and in a distinguishing color, the following: **"YOUR VOTE WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

**SECTION 13.** Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. (1) * * * The examination and counting of all absentee ballots shall be conducted as follows:

(a) At the * * * opening of the regular balloting and at the * * * opening of the polls, the * * * resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall first take the envelopes containing the absentee ballots of such electors from the * * * secure location at the circuit clerk's office, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the * * * resolution board find that the applicant is a

registered and qualified voter or otherwise qualified to vote, * * * the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined.

(c) Having observed and found the ballot to be regular as far as can be observed from its official endorsement, the * * * resolution board shall deposit it in the ballot box with the other ballots before counting any ballots and enter the voter's name in the receipt book provided for that purpose. * * * All absentee ballots received prior to 7:00 p.m. the day before the election shall be counted in the registrar's office by the resolution board when the polls close and then added to the votes cast in each precinct. All absentee ballots received after 7:00 p.m. the day before the election but not later than the fifth business day after the election shall be processed by the resolution board.

* * *

( * * *2) The * * * resolution board shall also take such action as may be prescribed by the Secretary of State to ensure compliance with the identification requirements of Section 23-15-563.

(3) The resolution board shall process the absentee ballots using the procedure provided in subsection (1) of this section.

**SECTION 14.** Section 23-15-641, Mississippi Code of 1972, is amended as follows:

23-15-641. (1) For all absentee votes received by mail, if an affidavit or the certificate of the officer before whom the affidavit is taken is required and such affidavit or certificate is found to be insufficient, or if it is found that the signatures do not correspond, or that the applicant is not a duly qualified elector in the precinct, or otherwise qualified to vote, or that the ballot envelope is open or has been opened and resealed, or the voter is not eligible to vote absentee * * *, the previously cast vote shall not be allowed. Without opening the voter's envelope the * * * resolution board shall mark across its face "REJECTED", with the reason therefor.

(2) For all absentee votes received by mail, if the ballot envelope contains more than one (1) ballot of any kind, the ballot shall not be counted but shall be marked "REJECTED", with the reason therefor, and the registrar shall promptly notify the voter of such rejection. The voter's envelopes and affidavits, and the voter's envelope with its contents unopened, when such vote is rejected, shall be retained and preserved in the same manner as other ballots at the election. Such votes may be challenged in the same manner and for the same reasons that any other vote cast in such election may be challenged.

(3) If an affidavit is required and the officials find that the affidavit is insufficient, or if the officials find that the absentee voter is otherwise disqualified to vote, the envelope shall not be opened and a commissioner or executive committee

member shall write across the face of the envelope "REJECTED" giving the reason therefor, and the registrar shall promptly notify the voter of such rejection.

(4) The ballots marked "REJECTED" shall be placed in a separate envelope in the secure ballot transfer case and delivered to the officials in charge of conducting the election at the central tabulation point of the county.

(5) All electors voting absentee shall be provided with written information to inform the person how to ascertain whether his or her ballot was counted and, if rejected, the reason therefor.

**SECTION 15.** Section 23-15-647, Mississippi Code of 1972, is amended as follows:

23-15-647. The registrar shall keep safely and unopened all official absentee ballots which are received * * * by mail after the applicable cutoff period establishing its validity. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots returned to the registrar after the cutoff time shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

**SECTION 16.** Section 23-15-699, Mississippi Code of 1972, is amended as follows:

23-15-699. (1) Absent voters who have requested to receive absentee ballots and balloting materials may choose to receive such ballots and balloting materials by mail, facsimile device (FAX) or electronic mail delivery (e-mail). The Secretary of State shall establish procedures that allow an absent voter to make the choice authorized by this subsection.

(2) Consistent with the choice that the absent voter exercises pursuant to subsection (1) of this section, the registrar shall, in addition to mail, be authorized to use electronic facsimile (FAX) devices and electronic mail delivery (e-mail) to transmit balloting materials and absentee ballots. If the absent voter does not indicate a preference, delivery of such information shall be by mail.

(3) The registrar is authorized to receive by electronic facsimile (FAX) devices and electronic mail delivery (e-mail):

(a) Voted absentee ballots;

(b) Completed federal postcard applications as described in Section 23-15-677, which shall serve to request absentee ballots or to register to vote or to do both simultaneously; and

(c) Completed Federal Write-In-Absentee Ballots as described in Section 23-15-692.

(4) Once the registrar has received a voted absentee ballot pursuant to this section, he shall place the ballot in an absentee ballot envelope designated for absentee ballots under this

subarticle and fill out the required information on the envelope. The registrar shall then notate on the envelope that the ballot was received under this section and a signature across the flap of the envelope shall not be required. Except as provided in this section, absentee ballots received under this subsection shall be treated in the same manner as other absentee ballots received under this subarticle.

(5) Access to voted absentee ballots before they are placed in an absentee ballot envelope shall be strictly limited to election officials who must process the ballot and any election official who views the ballots before they are placed in the envelope shall have the duty to protect the secrecy of the ballot choices; however, the failure of an election official to comply with this subsection shall not invalidate the ballot.

(6) Each circuit clerk shall furnish a suitable electronic mail delivery (e-mail) address that can be used to allow absent voters to comply with the provisions of this subarticle. Absentee ballots returned by mail by any absent voter as defined in Section 23-15-673 must be received by the registrar by * * * the deadline for receipt of mail absentee ballots provided for in Section 23-15-637.

**SECTION 17.** Section 23-15-721, Mississippi Code of 1972, is amended as follows:

23-15-721. (1) Absentee ballots requested under the provisions of Section 23-15-715 for electors temporarily residing

outside the county * * * of residence shall be mailed to the elector's address outside of the county in which he or she is registered, and such electors shall appear before any official authorized to administer oaths or other official authorized to witness absentee balloting as provided in this * * * article. The elector shall exhibit to such official his or her absentee ballot unmarked and thereupon proceed in secret to fill in * * * the ballot. After the elector has properly marked the ballot and properly folded it, he or she shall deposit it in the envelope furnished him or her. After * * * the elector has sealed the envelope he or she shall deliver it to the official before whom he or she is appearing and shall subscribe and swear to the elector's certificate provided for in Section 23-15-635, which affidavit shall be printed on the back of the envelope as provided for in Section 23-15-635 containing the elector's ballot.

(2) Electors who are temporarily or permanently physically disabled shall sign the elector's certificate and the certificate of attesting witness shall be signed by any person eighteen (18) years of age or older.

(3) After the completion of the requirements of this section, the elector shall mail the envelope containing the ballot to the registrar in the county wherein * * * the elector is qualified to vote. * * * The ballots must be * * * postmarked by the date of the election and received by the registrar no more than five (5) business days after the election to be counted; any

received after such time shall be handled as provided in Section 23-15-647 and shall not be counted.

**SECTION 18.** Section 23-15-731, Mississippi Code of 1972, is amended as follows:

23-15-731. Any presidential absentee ballots received in the mail by the registrar * * * after the delivery of ballot boxes to the election managers and * * * before the deadline for receipt of absentee ballots provided for in Section 23-15-637 shall be retained by the registrar and shall be delivered, together with the applications of the qualified absentee elector to an election official designated to receive them. The registrar shall receive a receipt from the designated election official for all such ballots and applications delivered. The designated election officials shall, upon the canvassing of the returns, count such ballots as if delivered to the proper precincts and such ballots shall be considered valid for all purposes as if they had been actually deposited in the proper precinct ballot boxes. The appropriate election officials shall examine the affidavit of each envelope. If the officials are satisfied that the affidavit is sufficient and that the absentee voter is otherwise qualified to vote, an official shall announce the name of the voter and shall give any person present an opportunity to challenge in like manner and for the same cause as the voter could have been challenged had he or she presented himself or herself personally in such precinct to vote. The ineligibility of the voter to vote by absentee

ballot shall be a ground for a challenge. The officials shall consider any absentee voter challenged when a person has previously filed a written challenge of such voter's right to vote. The election officials shall handle any such challenge in the same manner as other challenged ballots are handled, and if the challenge is not affirmed, the officials shall then open the envelope. The officials shall then open the envelope in such manner as not to destroy the affidavit printed thereon and shall deposit the ballot marked "OFFICIAL ABSENTEE BALLOT," in a ballot box reserved for absentee ballots. The commissioners shall endorse on their pollbooks a proper notation to indicate that the absentee voter has voted in such election by absentee ballot.

**SECTION 19.** Section 23-15-733, Mississippi Code of 1972, is amended as follows:

23-15-733. The registrar shall keep safely and unopened all official presidential absentee ballots which are received subsequent to the * * * deadline for receipt of mail absentee ballots provided for in Section 23-15-637. Upon receipt of such ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All such absentee ballots returned to the registrar shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then, without being opened, be destroyed in like manner as the used ballots of the election.

Such information shall be processed through the Statewide Election Management System.

**SECTION 20.** Section 23-15-735, Mississippi Code of 1972, is amended as follows:

23-15-735. Except for ballots voted in person at the office of the registrar, absentee ballots shall not be delivered in person to an absentee voter or to any other person * * *.

**SECTION 21.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1559

**Description:** Human trafficking and commercial sexual exploitation; provide services for victims through approved services.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Judiciary B |
| 2 | 02/27 | (H) Title Suff Do Pass As Amended |
| 3 | 02/27 | (H) Amended |
| 4 | 02/27 | (H) Passed As Amended {Vote} |
| 5 | 03/02 | (H) Transmitted To Senate |
| 6 | 06/08 | (S) Referred To Judiciary, Division A |
| 7 | 06/09 | (S) Title Suff Do Pass As Amended |
| 8 | 06/16 | (S) Amended |
| 9 | 06/16 | (S) Passed As Amended {Vote} |
| 10 | 06/17 | (S) Motion to Reconsider Entered |
| 11 | 06/19 | (S) Motion to Reconsider Tabled |
| 12 | 06/19 | (S) Returned For Concurrence |
| 13 | 06/24 | (H) Decline to Concur/Invite Conf |
| 14 | 06/26 | (H) Conferees Named Bain,Yates,White |
| 15 | 06/26 | (S) Conferees Named Doty,Boyd,Kirby |
| 16 | 06/29 | (S) Conference Report Filed |
| 17 | 06/29 | (H) Conference Report Filed |
| 18 | 06/30 | (H) Conference Report Adopted {Vote} |
| 19 | 06/30 | (S) Conference Report Adopted {Vote} |
| 20 | 06/30 | (S) Immediate Release |
| 21 | 07/02 | (S) Enrolled Bill Signed |
| 22 | 07/02 | (H) Enrolled Bill Signed |
| 23 | 07/08 | Law W/out Governor's Signature |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1559

Conference Reports:
| Conference Report

**Code Section:** A 099-0019-0075, A 043-0026-0001, A 043-0015-0051

**----- Additional Information -----**

***House Committee:*** Judiciary B
***Senate Committee:*** Judiciary, Division A

***Principal Author:*** Gunn
***Additional Authors:*** Scoggin, Felsher

***Title:*** AN ACT TO AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM TO PROVIDE COUNSELING, MEDICAL NEEDS, TRANSITIONAL HOUSING AND OTHER RELATED SERVICES TO VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION THROUGH SHELTERS AND VICTIM SERVICE PROVIDERS ESTABLISHED TO SERVE SUCH VICTIMS AT NO CHARGE TO THE VICTIM; TO CREATE THE "VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION FUND" AS A SPECIAL FUND; TO PROVIDE THAT MONIES IN THE FUND SHALL BE USED TO FUND AND ASSIST HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION SHELTERS AND VICTIM SERVICES PROVIDERS; TO PROVIDE THE REQUIREMENTS THAT SHELTERS MUST MEET TO QUALIFY FOR FUNDS UNDER THE PROGRAM; TO AMEND SECTION 99-19-75, MISSISSIPPI CODE OF 1972, TO CREATE CERTAIN ASSESSMENTS TO PROVIDE MONIES TO BE DEPOSITED INTO THE FUND; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF CHILD PROTECTION SERVICES TO HIRE A COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION WITHIN THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO REQUIRE THE COMMISSIONER OF CHILD PROTECTION SERVICES TO DEVELOP STANDARDS FOR THE INVESTIGATION, CUSTODY AND CARE FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO PROVIDE THE DUTIES FOR THE COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO CREATE NEW SECTION 43-26-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO FOLLOW CERTAIN PROCEDURES WHEN RESPONDING TO ALLEGATIONS OF CHILD ABUSE, HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO REQUIRE CERTAIN PERSONS TO BE PLACED ON AN EMERGENCY, SEPARATE AND SPECIALIZED ASSESSMENT TEAM CREATED BY THE COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI HB 1559

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Gunn, Scoggin, Felsher To: Judiciary B

HOUSE BILL NO. 1559
(As Sent to Governor)

AN ACT TO AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ESTABLISH A PROGRAM TO PROVIDE COUNSELING, MEDICAL NEEDS, TRANSITIONAL HOUSING AND OTHER RELATED SERVICES TO VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION THROUGH SHELTERS AND VICTIM SERVICE PROVIDERS ESTABLISHED TO SERVE SUCH VICTIMS AT NO CHARGE TO THE VICTIM; TO CREATE THE "VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION FUND" AS A SPECIAL FUND; TO PROVIDE THAT MONIES IN THE FUND SHALL BE USED TO FUND AND ASSIST HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION SHELTERS AND VICTIM SERVICES PROVIDERS; TO PROVIDE THE REQUIREMENTS THAT SHELTERS MUST MEET TO QUALIFY FOR FUNDS UNDER THE PROGRAM; TO AMEND SECTION 99-19-75, MISSISSIPPI CODE OF 1972, TO CREATE CERTAIN ASSESSMENTS TO PROVIDE MONIES TO BE DEPOSITED INTO THE FUND; TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF CHILD PROTECTION SERVICES TO HIRE A COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION WITHIN THE DEPARTMENT OF CHILD PROTECTION SERVICES; TO REQUIRE THE COMMISSIONER OF CHILD PROTECTION SERVICES TO DEVELOP STANDARDS FOR THE INVESTIGATION, CUSTODY AND CARE FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO PROVIDE THE DUTIES FOR THE COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO CREATE NEW SECTION 43-26-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES TO FOLLOW CERTAIN PROCEDURES WHEN RESPONDING TO ALLEGATIONS OF CHILD ABUSE, HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO REQUIRE CERTAIN PERSONS TO BE PLACED ON AN EMERGENCY, SEPARATE AND SPECIALIZED ASSESSMENT TEAM CREATED BY THE COORDINATOR OF SERVICES FOR VICTIMS OF HUMAN TRAFFICKING AND COMMERCIAL SEXUAL EXPLOITATION; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The Office of the Attorney General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The Office of the Attorney General, shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections 1 through 4 of this act.

**SECTION 2.** (1) There is created in the State Treasury a special fund to be known as the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The administration and regulation of the fund shall be vested in the Office of the Attorney General, and shall consist of:

(a) Monies appropriated by the Legislature;

(b) The interest accruing to the fund;

(c) Monies received under the provisions of Section 99-19-75;

(d) Monies received from the federal government;

(e) Donations to the fund;

(f) Assessments collected pursuant to Section 83-39-31;

(g) All other monies received by the state from every source for the support of shelters for victims of human trafficking and commercial sexual exploitation; and

(h) Monies received from such other sources as may be provided by law.

(2) The monies in the fund shall be distributed by the Office of the Attorney General, upon appropriation by the Legislature, to fund and assist human trafficking shelters, commercial sexual exploitation shelters and victim service providers under the provisions of Sections 1 through 4 of this act. Not more than ten percent (10%) of the monies from the fund may be used for administrative expenses and other expenses related to carrying out the provisions of Sections 1 through 4 of this act; however, the total amount used for administrative and related expenses during a state fiscal year shall not exceed One Hundred Thousand Dollars ($100,000.00).

(3) Within six (6) months of the effective date of the act, the Office of the Attorney General shall convene a committee comprised of persons described in this subsection (3) to develop a strategic plan to coordinate the state's response to victims of human trafficking and commercial sexual exploitation, to include the administration and disbursement of funds for the support and assistance of service providers.

The committee members shall serve two (2) year terms. The committee shall consist of seven (7) members, who shall be appointed as follows:

(i) One (1) person to be appointed by the Governor;

(ii) One (1) person to be appointed by the Lieutenant Governor;

(iii) One (1) person to be appointed by the Speaker of the House;

(iv) One (1) person to be appointed by the Attorney General;

(v) One (1) person to be appointed by the Commissioner of the Department of Public Safety;

(vi) One (1) person to be appointed by the board of a victim services provider; and

(vii) One (1) person to be appointed by the Commissioner of the Department of Child Protection Services.

(4) By January 5 of each year, the Office of the Attorney General shall provide an itemized financial report to the Legislature and the State Auditor of all expenditures, statistical data regarding services that has provided, and a report of all service activity with geographical description.

(5) Nothing in Sections 1 through 4 of this act shall be construed to limit the ability of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider from soliciting private donations or community support. Any funds raised by a shelter or program described in Sections 1 through 4 of this act from private donations or community support shall not be subject to the requirements described in Sections 1 through 4 of this act.

**SECTION 3.** (1) To qualify for funds under the program authorized in Section 1 of this act, a shelter must meet all of the following requirements:

(a) Be incorporated in the state or recognized by the Secretary of State as a private or public nonprofit corporation. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and

(b) Have designed and developed a program to provide all of the following services to victims of human trafficking and commercial sexual exploitation and their children, if applicable:

(i) Shelter on a twenty-four (24) hours a day, seven (7) days a week basis;

(ii) A twenty-four (24) hours, seven (7) days a week crisis line for calls;

(iii) Temporary housing and food facilities;

(iv) Referrals to existing services in the community and follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;

(v) Information regarding reeducation, trauma-informed therapy, job counseling, and training programs, housing referrals and other available social services; and

(vi) An available licensed therapist on a twenty-four (24) hours a day basis.

(c) Have established procedures for twenty-four-hour a day, seven (7) days a week admission of victims of human trafficking or commercial sexual exploitation who may seek admission to these shelters on a voluntary basis.

(d) In addition to the above requirements, all shelters and victim service providers, receiving funding under Sections 1 through 4 of this act shall comply with minimum guidelines for services developed by the Office of the Attorney General, including, but not limited to:

(i) Provision of victim-centered, trauma-informed and culturally and linguistically appropriate care;

(ii) Utilization of evidence-based interventions;

(iii) Adequate safety and security for staff and clients;

(iv) Mandatory training for staff and volunteers;

(v) Adherence to ethical and professional standards;

(vi) Strict adherence to confidentiality;

(vii) Nondiscrimination;

(viii) Collaboration with other nongovernmental and governmental agencies; and

(ix) Maintenance of any required licensure and certification of staff and facility as required by the Department

of Mental Health, the Department of Health, the Department of Child Protection Services or any other regulatory body.

(2) No human trafficking or commercial sexual exploitation shelter shall qualify for funds under Sections 1 through 4 of this act if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.

(3) Any human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections 1 through 4 of this act must show receipt of local funds in an amount not less than fifteen percent (15%). The local contribution may include in-kind contributions.

(4) A human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections 1 through 4 of this act shall not be prohibited from accepting gifts, trusts, bequests, grants, endowments, federal funds, other special source funds or transfers of property of any kind for the support of that shelter program.

(5) Each human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections 1 through 4 of this act shall:

(a) Perform background checks and maintain copies of such for each employee or volunteer; and

(b) Require employees and volunteers to maintain the confidentiality of any information that would identify individuals served by the shelter or victim service provider.

**SECTION 4.** (1) Any employee, contractor, volunteer or agent of a human trafficking or commercial sexual exploitation shelter receiving funds under Sections 1 through 4 of this act, or of any other entity in possession of information which would tend to identify a victim of human trafficking and commercial sexual exploitation, shall comply and be held liable as provided in Section 1 of House Bill No. 1386, 2020 Regular Session.

(2) A resident, employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under Sections 1 through 4 of this act shall not be required to disclose the street address or physical location of that shelter to any public or private agency. In all cases where the provision of a physical address is required, a post office box address for the human trafficking and commercial sexual exploitation shelter shall be deemed sufficient.

**SECTION 5.** Section 99-19-75, Mississippi Code of 1972, is amended as follows:

99-19-75. (1) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-65, 97-5-1 et seq.

or 97-3-7, * * * when committed against a minor, an assessment of One Thousand Dollars ($1,000.00) to be deposited into the Mississippi Children's Trust Fund created in Section 93-21-305, * * * using the procedures described in Section 99-19-73 * * *.

(2) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-7, 97-3-54.1, 97-3-65, 97-3-95, 97-5-1 et seq., or 97-29-51 an assessment of One Thousand Dollars ($1,000.00) to be deposited into the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund" created in Section 2 of this act.

**SECTION 6.** Section 43-26-1, Mississippi Code of 1972, is amended as follows:

43-26-1. (1) There is hereby created a Mississippi Department of Child Protection Services.

(2) The Chief Administrative Officer of the Department of Child Protection Services shall be the Commissioner of Child Protection Services who shall be appointed by the Governor with the advice and consent of the Senate. The commissioner shall possess the following qualifications:

(a) A bachelor's degree from an accredited institution of higher learning and ten (10) years' experience in management, public administration, finance or accounting; or

(b) A master's or doctoral degree from an accredited institution of higher learning and five (5) years' experience in management, public administration, finance, law or accounting.

(3) The Department of Child Protection Services shall be a subagency independent of, though housed within, the Mississippi Department of Human Services. The Commissioner of the Department of Child Protection Services shall maintain complete and exclusive operational control of the Department of Child Protection Services' functions, except functions shared with the Department of Human Services as provided in subsection (5)(c) and (d) of this section.

(4) The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under Chapter 494, Laws of 2016.

(5) The Commissioner of Child Protection Services and the Executive Director of the Department of Human Services shall develop and implement a plan for the orderly establishment of the Department of Child Protection Services and its transition from the Office of Family and Children's Services of the Department of Human Services. The plan shall:

(a) Describe a mechanism for the transfer of any equipment, supplies, records, furnishings or other materials, resources or funds dedicated to the operation of the Office of Family and Children's Services of the Department of Human

Services, which may be useful to the Department of Child Protection Services;

(b) Determine the allocation of resources between the newly created Department of Child Protection Services and the Department of Human Services, as practicable;

(c) Determine the allocation of functions where the performance of services may be shared between the Department of Child Protection Services and other employees of the Department of Human Services, as practicable;

(d) Determine whether any administrative support services, such as Information Technology Services, bookkeeping and payroll, can continue to be provided by the Department of Human Services; and

(e) Identify other areas deemed relevant by the commissioner and make recommendations thereon to achieve an orderly transition.

(6) The programs and services provided by the Office of Family and Children's Services of the Department of Human Services under the following statutes shall be provided by the Department of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2, 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6, 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23, 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201, 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.

(7) The * * * Mississippi Department of Child Protection Services shall submit a copy of the federal Annual Progress and Services Report (APSR) to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year.

(8) (a) The Commissioner of Child Protection Services shall hire a Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services whose duties shall include, but not be limited to, the following:

(i) To form specialized human trafficking and commercial sexual exploitation assessment teams to respond on an as-needed basis to act as an emergency, separate and specialized response and assessment team to rapidly respond to the needs of children who are victims of human trafficking and commercial sexual exploitation;

(ii) To identify victims of human trafficking and commercial sexual exploitation;

(iii) To monitor, record and distribute federal human trafficking funds received by the Department of Child Protection Services;

(iv) To employ staff to investigate allegations of human trafficking and commercial sexual exploitation; and

(v) To develop and coordinate services within the Department of Child Protection Services and with outside service providers for victims of human trafficking and commercial sexual exploitation.

(b) The Commissioner of Child Protection Services shall develop standard operating procedures for the investigation, custody and services provided to alleged victims of human trafficking and commercial sexual exploitation.

(c) The Commissioner shall require two (2) hours of training regarding the subject of identifying, assessing, and providing comprehensive services to a child who has experienced or is alleged to have experienced commercial sexual exploitation or human trafficking. The training must be incorporated into the pre-service training requirements of all Mississippi Department of Child Protection Services family specialists, adoption specialists, licensure specialists, direct supervisors of family protection specialists, direct supervisors of adoption specialists, and direct supervisors of licensure specialists.

**SECTION 7.** The following shall be codified as Section 43-26-3, Mississippi Code of 1972:

43-26-3. (1) The Department of Child Protection Services shall immediately send the on-call caseworker to the scene or location chosen by law enforcement (a) when the department is

contacted by a law enforcement officer who encounters a minor whom the officer reasonably suspects of being a victim of human trafficking or commercial sexual exploitation, and (b) the officer requests such assistance using the Mississippi Child Protection Services hotline.

(2) The Department of Child Protection Services, in addition to its duties provided in Section 43-21-353, within twenty-four (24) hours of receiving a report of child abuse, human trafficking of a child or commercial sexual exploitation of a child, sending an on-call caseworker to a location in response to a minor who is reasonably suspected of being a victim of human trafficking or commercial sexual exploitation at the request of a law enforcement officer, or when a Child Protection Services caseworker encounters a minor who is reasonably suspected of being a victim of human trafficking or commercial sexual exploitation, shall:

(a) Make in-person contact with the child to determine appropriate next steps for the protection of the child, or where in-person contact cannot be made within twenty-four (24) hours of receiving the report, shall immediately notify the Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services and law enforcement, and shall document all steps taken to make contact with the child as well as the steps that will be taken to locate and ascertain the safety of the child;

(b) Attempt to have an on-site interview with the child's caretaker;

(c) Attempt to have law enforcement or an appropriate investigator conduct an on-site interview with the child's suspected offender; and

(d) Document and assess the safety of other children in the care or custody of the caretaker and/or who may be at risk of abuse by the suspected offender.

(2) If the child is suspected to be a victim of human trafficking or commercial sexual exploitation, the Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services shall activate an emergency, separate and specialized human trafficking and commercial sexual exploitation assessment team. The team shall include, at a minimum: (a) an investigator certified by the Mississippi Human Trafficking Operational Task Force Board, (b) an investigator from the Department of Child Protection Services, and (c) a person certified by the office of the Attorney General as an advocate for victims of human trafficking and commercial sexual exploitation. Such emergency assessment team shall be created without authorization of the youth court, or designated by the Office of the Attorney General as an advocate for such victims.

(3) Any person under eighteen (18) years of age taken into custody under the provisions of Section 97-29-49 shall be presumed a victim of human trafficking and commercial sexual exploitation.

**SECTION 8.** Section 43-15-51, Mississippi Code of 1972, is amended as follows:

43-15-51. (1) The district attorneys, the Department of Human Services or the Department of Child Protection Services may initiate formal cooperative agreements with the appropriate agencies to create multidisciplinary child protection teams in order to implement a coordinated multidisciplinary team approach to intervention in reports involving alleged commercial sexual exploitation, human trafficking, or severe or potential felony child physical or sexual abuse, exploitation, or maltreatment. The multidisciplinary team also may be known as a child abuse task force. The purpose of the team or task force shall be to assist in the evaluation and investigation of reports and to provide consultation and coordination for agencies involved in child protection cases. The agencies to be included as members of the multidisciplinary team are: the district attorney's office, city and county law enforcement agencies, county attorneys, youth court prosecutors, the Human Trafficking Coordinator or his or her designee and other agencies as appropriate. The Department of Child Protection Services shall be included as a member of the multidisciplinary team if the department does not initiate creation of the team.

(2) Except as otherwise provided in Section 43-26-3, to implement the multidisciplinary child abuse team, the team or task force must be authorized by court order from the appropriate youth court. The court order will designate which agencies will participate in the cooperative multidisciplinary team.

(3) (a) Teams created under this section may invite other persons to serve on the team who have knowledge of and experience in child abuse and neglect and commercial sexual exploitation and human trafficking matters. These persons may include licensed mental and physical health practitioners and physicians, dentists, representatives of the district attorney's office and the Attorney General's office, experts in the assessment and treatment of substance abuse or sexual abuse, the victim assistance coordinator of the district attorney's office, staff members of a child advocacy center, sexual assault nurse examiners and experts in providing services to commercial sexual exploitation and human trafficking victims. For purposes of this paragraph, the term "sexual assault nurse examiner" means a registered nurse who has received a documented forty (40) hours of training as a sexual assault nurse examiner.

(b) (i) A child advocacy center means an agency that advocates on behalf of children alleged to have been abused and assists in the coordination of the investigation of child abuse by providing a location for forensic interviews and promoting the coordination of services for children alleged to have been abused.

A child advocacy center provides services that include, but are not limited to, forensic medical examinations, mental health and related support services, court advocacy, consultation, training for social workers, law enforcement training, and child abuse multidisciplinary teams, and staffing of multidisciplinary teams.

(ii) Child advocacy centers may provide a video-taped forensic interview of the child in a child friendly environment or separate building. The purpose of the video-taped forensic interview is to prevent further trauma to a child in the investigation and prosecution of child physical and sexual abuse cases. Child advocacy centers can also assist child victims by providing therapeutic counseling subsequent to the interview by a qualified therapist. Child advocacy centers can also assist law enforcement and prosecutors by acquainting child victim witnesses and their parents or guardians to the courtroom through child court school programs.

(4) A team or task force created under this section shall review records on cases referred to the team by the Department of * * * Child Protection Services or law enforcement or the district attorney's office. The team shall meet at least monthly.

(5) No person shall disclose information obtained from a meeting of the multidisciplinary team unless necessary to comply with * * * the Department of Child Protection Services regulations or conduct and proceeding in youth court or criminal court proceedings or as authorized by a court of competent jurisdiction.

**SECTION 9.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1566

**Description:** "Future of Mississippi Agriculture Act of 2020"; enact.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/17 | (H) Referred To Agriculture; Workforce Development |
| 2 | 02/25 | (H) DR - TSDP: AG To WD |
| 3 | 03/03 | (H) DR - TSDPCS: WD To AG |
| 4 | 03/03 | (H) Title Suff Do Pass Comm Sub |
| 5 | 03/05 | (H) Committee Substitute Adopted |
| 6 | 03/05 | (H) Amended |
| 7 | 03/05 | (H) Passed As Amended {Vote} |
| 8 | 03/09 | (H) Transmitted To Senate |
| 9 | 05/12 | (S) Referred To Agriculture; Accountability, Efficiency, Transparency |
| 10 | 06/04 | (S) DR - TSDPAA: AG To AC |
| 11 | 06/09 | (S) DR - TSDPAA: AC To AG |
| 12 | 06/09 | (S) Title Suff Do Pass As Amended |
| 13 | 06/16 | (S) Amended |
| 14 | 06/16 | (S) Passed As Amended {Vote} |
| 15 | 06/17 | (S) Returned For Concurrence |
| 16 | 06/18 | (H) Concurred in Amend From Senate {Vote} |
| 17 | 06/23 | (H) Enrolled Bill Signed |
| 18 | 06/24 | (S) Enrolled Bill Signed |
| 19 | 06/30 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1566

**Code Section:** A 069-0029-0001, A 025-0001-0077, A 069-0005-0001, A 069-0005-0003, A 069-0005-0005, A 069-0005-0007, A 069-0005-0008, A 069-0005-0011, A 069-0005-0013, A 069-0005-0015, A 069-0005-0027, A 069-0005-0029, A 069-0005-0031

**----- Additional Information -----**

***House Committee:*** Agriculture, Workforce Development
***Senate Committee:*** Agriculture, Accountability, Efficiency, Transparency

***Principal Author:*** Pigott
***Additional Authors:*** Holloway, Anthony

***Title:*** AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 69-1-119, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE AND COMMERCE TO PROVIDE TECHNICAL GUIDANCE AND OUTREACH TO LANDOWNERS, FARMERS AND PRODUCERS REGARDING THE MANAGEMENT OF NUISANCE WILDLIFE, AND TO AUTHORIZE THE DEPARTMENT TO ACCEPT AND EXPEND ANY SPECIAL FUNDS RECEIVED FOR THIS PURPOSE; TO AMEND SECTION 69-29-1, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF AGRICULTURAL AND LIVESTOCK THEFT BUREAU INVESTIGATORS AND TO AUTHORIZE THE BUREAU TO CONDUCT TRAINING FOR LAW ENFORCEMENT RELATED TO LAWS ENFORCED BY THE BUREAU AND TO ASSIST OTHER LAW ENFORCEMENT AGENCIES IN CASES OF DISASTER; TO AMEND SECTION 25-1-77, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN EXEMPTIONS OF DEPARTMENT LAW ENFORCEMENT VEHICLES FROM BUREAU OF FLEET MANAGEMENT REQUIREMENTS; TO AMEND SECTION 69-5-1, MISSISSIPPI CODE OF 1972, TO ABOLISH THE STATE FAIR COMMISSION AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTIONS 69-5-3, 69-5-5, 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-15, 69-5-27, 69-5-29 AND 69-5-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Pigott, Holloway, Anthony

To: Agriculture; Workforce Development

HOUSE BILL NO. 1566
(As Sent to Governor)

AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 69-1-119, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE AND COMMERCE TO PROVIDE TECHNICAL GUIDANCE AND OUTREACH TO LANDOWNERS, FARMERS AND PRODUCERS REGARDING THE MANAGEMENT OF NUISANCE WILDLIFE, AND TO AUTHORIZE THE DEPARTMENT TO ACCEPT AND EXPEND ANY SPECIAL FUNDS RECEIVED FOR THIS PURPOSE; TO AMEND SECTION 69-29-1, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF AGRICULTURAL AND LIVESTOCK THEFT BUREAU INVESTIGATORS AND TO AUTHORIZE THE BUREAU TO CONDUCT TRAINING FOR LAW ENFORCEMENT RELATED TO LAWS ENFORCED BY THE BUREAU AND TO ASSIST OTHER LAW ENFORCEMENT AGENCIES IN CASES OF DISASTER; TO AMEND SECTION 25-1-77, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN EXEMPTIONS OF DEPARTMENT LAW ENFORCEMENT VEHICLES FROM BUREAU OF FLEET MANAGEMENT REQUIREMENTS; TO AMEND SECTION 69-5-1, MISSISSIPPI CODE OF 1972, TO ABOLISH THE STATE FAIR COMMISSION AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTIONS 69-5-3, 69-5-5, 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-15, 69-5-27, 69-5-29 AND 69-5-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following shall be codified as Section 69-1-119, Mississippi Code of 1972:

69-1-119. The Commissioner of Agriculture and Commerce may provide technical guidance and outreach to landowners, farmers and producers regarding the management of nuisance wildlife on private agricultural and forestry lands. The commissioner is authorized

to partner with state and federal agencies regarding nuisance wildlife management and to promote awareness across the state. The department is authorized to accept and expend any special funds received through grants or any other source as appropriated by the Legislature.

**SECTION 2.** Section 69-29-1, Mississippi Code of 1972, is amended as follows:

69-29-1. (1) (a) There is established the Mississippi Agricultural and Livestock Theft Bureau.

(b) The Commissioner of Agriculture and Commerce shall appoint a director of the Mississippi Agricultural and Livestock Theft Bureau. Such director shall have at least five (5) years of law enforcement experience. Such director shall be responsible solely to the supervision of the Commissioner of Agriculture and to no other person or entity. Such director may be discharged only for just cause shown.

(c) The director may employ * * * twelve (12) agricultural and livestock theft investigators * * *. Each investigator shall be certified as a law enforcement officer, successfully completing at least a nine-week training course, in accordance with Section 45-6-11. The curriculum for the training of constables shall not be sufficient for meeting the certification requirements of this paragraph. In the selection of investigators under this section, preference shall be given to persons who have previous law enforcement experience.

(d) The director appointed under this section, under the direction, control and supervision of the commissioner, and the investigators employed under this section shall perform only the duties described in subsection (2) of this section and shall not be assigned any other duties.

(2) The director appointed under this section and the investigators employed under this section shall have the following powers, duties and authority:

(a) To enforce all of the provisions of Sections 69-29-9 and 69-29-11, and particularly those portions requiring persons transporting livestock to have a bill of sale in their possession; to make investigations of violations of such sections and to arrest persons violating same;

(b) To enforce all of the laws of this state enacted for the purpose of preventing the theft of livestock, poultry, timber and agricultural, aquacultural and timber products and implements; to make investigations of violations thereof and to arrest persons violating same;

(c) To cooperate with all regularly constituted law enforcement officers relative to the matters herein set forth;

(d) To serve warrants and other process emanating from any court of lawful jurisdiction, including search warrants, in all matters herein set forth;

(e) To carry proper credentials evidencing their authority, which shall be exhibited to any person making demand therefor;

(f) To make arrests without warrant in all matters herein set forth in cases where same is authorized under the constitutional and general laws of this state;

(g) To handle the registration of brands of cattle and livestock;

(h) To investigate, prevent, apprehend and arrest those persons anywhere in the state who are violating any of the laws administered by the Department of Agriculture and Commerce, including, but not limited to, all agriculture-related crimes * * *;

(i) To access and examine records of any person, business or entity that harvests, loads, carries, receives or manufactures timber products as defined in this section. Each such person or entity shall permit the director or any investigator of the Mississippi Agricultural and Livestock Theft Bureau to examine records of the sale, transfer or purchase of timber or timber products, including, but not limited to, contracts, load tickets, settlement sheets, drivers' logs, invoices, checks and any other records or documents related to an ongoing investigation of the Mississippi Agricultural and Livestock Theft Bureau * * *;

(j) To conduct training for law enforcement regarding laws enforced by the bureau and to assist any other law enforcement agencies in responding to matters that may be related to agriculture and commerce in the State of Mississippi and in cases of natural disasters or other disasters to respond as needed or as requested by other agencies.

(3) The Commissioner of Agriculture and Commerce shall furnish such investigators with such vehicles, equipment and supplies as may be necessary. All expenses of same, and all other expenses incurred in the administration of this section, shall be paid from such appropriation as may be made by the Legislature.

(4) The * * * Mississippi Department of Revenue and its agents and employees shall cooperate with such investigators by furnishing to them information as to any possible or suspected violations of any of the laws mentioned herein, including specifically Section 69-29-27, and in any other lawful manner.

(5) The conservation officers of the Department of Wildlife, Fisheries and Parks are authorized to cooperate with and assist the agricultural and livestock theft investigators in the enforcement and apprehension of violators of laws regarding agricultural and livestock theft.

(6) The Mississippi Forestry Commission employees are excluded from any timber and timber products theft investigative responsibilities except when technical expertise is needed and requested through the State Forester or his designee.

(7) For the purposes of this section, "timber product" means timber of all kinds, species or sizes, including, but not limited to, logs, lumber, poles, pilings, posts, blocks, bolts, cordwood and pulpwood, pine stumpwood, pine knots or other distillate wood, crossties, turpentine (crude gum), pine straw, firewood and all other products derived from timber or trees that have a sale or commercial value.

**SECTION 3.** Section 25-1-77, Mississippi Code of 1972, is amended as follows:

25-1-77. (1) There is created the Bureau of Fleet Management within the Office of Purchasing, Travel and Fleet Management, Department of Finance and Administration, for the purposes of coordinating and promoting efficiency and economy in the purchase, lease, rental, acquisition, use, maintenance and disposal of vehicles by state agencies. The Executive Director of the Department of Finance and Administration may employ a Fleet Management Officer to manage the bureau and carry out its purposes. The bureau may employ other suitable and competent personnel as necessary. The bureau shall encourage the use of fuel efficient or hybrid vehicles appropriate for the state agency's intended purpose and, when feasible, the use of alternative fuels or energy sources, including, but not limited to, ethanol, biodiesel, natural gas or electric power. The bureau shall prepare a fiscal analysis of the cost-effectiveness of using alternative fuel or energy source vehicles by state agencies, and

submit a report of that fiscal analysis to the Legislature by December 15, 2009. Not later than July 1, 2014, at least seventy-five percent (75%) of all vehicles to which the bureau holds title in the name of the state must have a fuel economy estimate by the United States Environmental Protection Agency of forty (40) miles per gallon or higher for highway driving.

(2) The Bureau of Fleet Management shall perform the following duties:

(a) To hold title in the name of the State of Mississippi to all vehicles currently in possession of state agencies as defined in Section 25-9-107(d) and to assign vehicles to such agencies for use; however, the bureau shall exempt any agency or agency vehicles from the provisions of this paragraph (a) if it determines that state or federal law requires that title be vested only in the agency;

(b) To establish rules and regulations for state agency use of vehicles;

(c) To gather information and specify proper fleet management practices for state agencies;

(d) To acquire fleet management software and require agencies to provide necessary information for the bureau to properly monitor the size, use, maintenance and disposal of the state's fleet of vehicles; the bureau shall communicate regularly with the fleet managers of each state agency to determine strengths and weaknesses of the various fleet operations; the

bureau shall disseminate information to the agencies so that each can take advantage of any beneficial practices being incorporated at other entities; the bureau shall promulgate rules and regulations concerning the mileage reimbursement practices of each state agency;

(e) To carry out responsibilities relative to budget recommendations as provided in Section 27-103-129;

(f) To reassign vehicles in the possession of any state agency if the bureau believes that another state agency can make more efficient use of a vehicle; however, except as otherwise provided in Section 51-11-101, the state agency receiving the reassigned vehicle shall pay to the previous agency's special fund, or if no special fund exists to the State General Fund, the National Automobile Dealers Association (NADA) wholesale value for the vehicle or the estimated amount for which the vehicle would have sold at auction, as shall be determined by the bureau, whichever is less;

(g) To investigate at any time the vehicle usage practices of any state agency; and

(h) To require each agency to submit to the bureau a vehicle acquisition/use/disposal plan on an annual basis. From the plans received, the bureau shall evaluate the proposed plans and shall submit a recommendation to the Legislature prior to January 1 of each year.

(3) No state department, institution or agency shall purchase, rent, lease or acquire any motor vehicle, regardless of the source of funds from which the motor vehicle is to be purchased, except under authority granted by the Department of Finance and Administration. The Bureau of Fleet Management, Department of Finance and Administration, shall promulgate rules and regulations governing the purchase, rental, lease or acquisition of any motor vehicle by a state department, institution or agency with regard to the appropriateness of the vehicle to its intended use. The Bureau of Fleet Management, Department of Finance and Administration, shall only grant authority to purchase, rent, lease or acquire a motor vehicle which is the lowest cost vehicle to carry out its intended use. Before the disposal or sale of any vehicle, the Bureau of Fleet Management shall make a determination that the lifetime use and mileage of the vehicle has been maximized and that it would not be feasible for another state agency to use the vehicle.

(4) The department, institution or agency shall maintain proper documentation which provides the intended use of the vehicle and the basis for choosing the vehicle. Such documentation shall show that the department, institution or agency made diligent efforts to purchase, rent, lease or acquire a vehicle that is the lowest cost vehicle for its intended use. Such documentation shall be updated as needed when the intended use of the vehicle or any other facts concerning the vehicle are

changed. All such documentation shall be approved by the State Fleet Officer prior to purchase, rental, lease or acquisition or change in use of any vehicle and shall be maintained and made available for review by the State Auditor, any other reviewing agency and the Legislature. The Bureau of Fleet Management shall immediately notify the department head of any agency that has a vehicle found to be in violation of the bureau's rules and regulations. At the same time, the bureau shall notify the Speaker of the House of Representatives and the Lieutenant Governor of its findings regarding any such vehicle. If the violation is not rectified within five (5) days of the notice, then the bureau may seize the vehicle and dispose of it as the bureau deems to be in the best interest of the State of Mississippi.

(5) On or before September 1 of each year, the Bureau of Fleet Management shall prepare and deliver to the Senate and House Appropriations Committees and the Joint Legislative Budget Committee a report containing any irregularities that it finds concerning purchases of state-owned vehicles.

(6) The Department of Public Safety and the Department of Wildlife, Fisheries and Parks may retain any vehicle seized pursuant to the forfeiture laws of this state, and the total number of vehicles assigned to each such agency shall not be reduced by the number of seized vehicles which the agency retains.

(7) The Bureau of Fleet Management, upon request, shall grant an exemption from the provisions of this section for only any vehicle assigned to a sworn officer of the Department of Public Safety or of the Agricultural and Livestock Theft Bureau of the Department of Agriculture and Commerce and used in undercover operations when the bureau determines that compliance could jeopardize the life, health or safety of the sworn officer.

(8) The provisions of this section shall not apply to any state institution of higher learning.

(9) When making requests for authority to purchase, rent, lease or acquire vehicles as provided in subsection (3) of this section, agencies shall submit the lowest cost vehicle possible to carry out its intended use. Any such request shall be in writing from the agency head, certifying the vehicle requested is the lowest cost option available and acknowledging that any request contrary to this provision shall subject the agency head to penalties as provided in Sections 25-1-91, 31-7-55 and 31-7-57, where applicable. The Bureau of Fleet Management shall only approve the lowest cost vehicle, which in its estimation, will carry out the intended use. No agency may purchase any vehicle that the Bureau of Fleet Management has disapproved as being a higher cost option.

(10) No requests authorized under subsections (3) and (9) of this section shall be approved by the Bureau of Fleet Management if the requesting agency has not properly maintained in the

fleet/asset reporting system all information required by the Bureau of Fleet Management. Agencies shall correct any inadequacies or discrepancies in the system noted by the Bureau of Fleet Management before the bureau may approve any requests.

**SECTION 4.** Section 69-5-1, Mississippi Code of 1972, is amended as follows:

69-5-1. (1) The Mississippi Fair Commission is hereby abolished, and all of the powers, duties, property, contractual rights and obligations and unexpended funds of that commission shall be transferred to the Department of Agriculture and Commerce on July 1, 2020. Wherever the term "Mississippi Fair Commission" appears in any law or regulation, the same shall mean the Department of Agriculture and Commerce. The transfer of personnel shall be commensurate with the number and classification of positions allocated to the commission.

(2) In order to promote agricultural and industrial development in Mississippi and to encourage the farmers to grow better livestock and agricultural products, there is hereby created * * * an advisory council to be hereafter known as the "Mississippi Fair * * * Advisory Council." The department shall receive input and guidance from the advisory council, which shall be composed of the following: The Commissioner of Agriculture and Commerce, chairman, the Director of the Mississippi State University Extension Service, President of the Mississippi Livestock Association, the Director of Mississippi Vocational

Education, * * * the Director of the Mississippi Development Authority, the Mayor of the City of Jackson, Mississippi, and an appointee of the Governor, all to serve * * * without salary compensation. * * *

**SECTION 5.** Section 69-5-3, Mississippi Code of 1972, is amended as follows:

69-5-3. (1) The * * * Department of Agriculture and Commerce shall set up rules and regulations consistent with the law governing the distribution of state monies for premiums or awards. It will be the duty of the * * * department, at least twice each year, to approve premium lists or awards, and give out rules governing participants in state premium money in Mississippi. The * * * department may invite the presidents of the various district livestock shows before the * * * department when determining policies affecting district livestock shows.

(2) The * * * Department of Agriculture and Commerce is hereby authorized to accept money or funds donated to the * * * department, including funds to be awarded as prizes in livestock competition.

(3) The * * * Department of Agriculture and Commerce shall have charge of the State Fairgrounds located in Jackson, Mississippi, including all buildings and improvements thereon, and shall have full power and authority in perfecting plans and causing to be held thereon the Mississippi State Fair and other such events that may be authorized by the * * * department.

(4) The * * * Department of Agriculture and Commerce is hereby authorized to employ an attorney as prescribed in Section 69-1-14.

(5) The * * * Department of Agriculture and Commerce may take any action authorized in Section 1 of Laws 2000, Chapter 306.

(6) The * * * Department of Agriculture and Commerce may allow a commercial, charitable or governmental entity to use, publish and advertise such entity's name in connection with any of the buildings, improvements, grounds or objects located on the State Fairgrounds in Jackson, except for the Kirk Fordice Equine Center, or in connection with any of the events conducted on the State Fairgrounds in return for a monetary consideration paid to the * * * department. Furthermore, the * * * department may lease to any public, private, commercial or charitable entity for a term not to exceed twenty (20) years naming rights to buildings, except for the Kirk Fordice Equine Center, or property, including, but not limited to, new construction, improvements to existing buildings, grounds and/or objects located on the State Fairgrounds in return for consideration benefitting the commission. The lessee shall pay the cost of erecting, maintaining and removing signage related to the property. Those funds received from an entity for allowing its name to be used, published or advertised in connection with the buildings, improvements, objects or events shall be retained by the * * * department to be used for capital improvements to the fairgrounds or in its annual operating budget.

The * * * department shall not enter into any such agreement with any vendor whose products are illegal for participation in or use by persons eighteen (18) years of age and under.

(7) The * * * Commissioner of Agriculture and Commerce is authorized to form and establish a private foundation or nonprofit corporation to receive and disburse the funds generated by the sale of naming rights described in subsection (6) of this section and for any other donations made to the * * * department. The funds shall be disbursed in accordance with guidelines described in this section, and the foundation or nonprofit corporation shall be subject to the reporting requirements described in subsection (10) of this section. All funds shall remain with the foundation until disbursement and shall not be transferred to the State General Fund. No public funds shall be deposited into the account of the private foundation or nonprofit corporation established by the * * * department for the benefit of the State Fairgrounds, nor shall the Legislature appropriate any State General Fund or Special Fund monies to the foundation or nonprofit corporation for such purposes. All monies received by the foundation shall be maintained separately from funds allocated to the * * * department for operating and administrative costs associated with the State Fairgrounds. In addition to the reporting of information to be included in the annual legislative report of the * * * department, the private foundation or nonprofit corporation shall be subject

to annual financial audits by the State Auditor and by auditors of donors in the same manner as required for state agencies.

(8) The * * * Department of Agriculture and Commerce shall have the authority to enter into a lease or right-of-way with a third party covering any land or buildings on the State Fairgrounds and any funds generated from such lease or right-of-way shall remain in a special fund managed by the * * * department for the benefit of the State Fairgrounds. All monies in the special fund may be used for capital improvements to the State Fairgrounds or in the * * * department's annual operating budget for operating and administrative costs associated with the State Fairgrounds. Any unexpended funds remaining in the special fund shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited in the fund.

(9) The * * * Department of Agriculture and Commerce is hereby authorized, with the advice of the Mississippi Fair Advisory Council, to adopt such rules and regulations as may be necessary or desirable to carry out, execute or implement the provisions of this article.

(10) The * * * Department of Agriculture and Commerce shall report by January 1 of each year a detailed financial statement of all monies received and expended under subsection (6) and subsection (7) of this section to the Lieutenant Governor, the Speaker of the House of Representatives and the Chairman of the

Senate Agriculture Committee and the Chairman of the House of Representatives Agriculture Committee.

**SECTION 6.** Section 69-5-5, Mississippi Code of 1972, is amended as follows:

69-5-5. The * * * Commissioner of Agriculture and Commerce shall appoint, subject to the advice and consent of the Senate, a director within the department who shall oversee all operations at the State Fairgrounds Complex and its adjoining properties and who shall * * * give full and detailed reports of livestock shows and fairs participating in premium monies, for report to the Governor and Legislature. The compensation of the director shall be fixed by the Commissioner of Agriculture and Commerce, subject to approval by the State Personnel Board, and shall be exempt from the provisions of subsection (2) of Section 25-3-39.

**SECTION 7.** Section 69-5-7, Mississippi Code of 1972, is amended as follows:

69-5-7. Headquarters of the Mississippi State Fair * * * operations shall be in connection with the office of the * * * Department of Agriculture and Commerce.

**SECTION 8.** Section 69-5-8, Mississippi Code of 1972, is amended as follows:

69-5-8. The building under the jurisdiction of the * * * Department of Agriculture and Commerce, that is located in Jackson, Mississippi, and used primarily as an arena for rodeo and livestock expositions and related events, shall be named the Kirk

Fordice Equine Center. The * * * Department of Agriculture and Commerce shall prepare or have prepared a distinctive plaque, to be placed in a prominent place within the Kirk Fordice Equine Center, that states the background, accomplishments and service to the state of Governor Kirk Fordice.

**SECTION 9.** Section 69-5-11, Mississippi Code of 1972, is amended as follows:

69-5-11. (1) The * * * Department of Agriculture and Commerce shall charge for admission to the State Fair. The proceeds thereof shall be used for the repayment of revenue bonds issued for the purpose of constructing, equipping and furnishing new buildings and making improvements on the State Fairgrounds.

(2) Funds collected in excess of those required to retire any outstanding bond indebtedness may be used as operating revenue for the * * * Department of Agriculture and Commerce for operating and administrative costs associated with the State Fairgrounds, and such excess funds received by the * * * department shall be deposited in * * * a special fund account managed by the department for the benefit of the State Fairgrounds.

(3) The State Treasurer is hereby directed to invest such excess funds to the credit of the * * * special account managed by the department for the benefit of the State Fairgrounds.

**SECTION 10.** Section 69-5-13, Mississippi Code of 1972, is amended as follows:

69-5-13. The * * * Department of Agriculture and Commerce is hereby authorized and empowered, in its discretion, to declare by resolution the number and type buildings which need to be constructed and the type improvements that need to be made on the state fairgrounds, and file a certified copy of said resolution with the State Building Commission. If the State Building Commission believes such construction and improvements to be in the best public interest, and that receipts from admission to the State Fair reasonably shall be expected to produce sufficient revenues over a period not to exceed twenty (20) years to retire bonds issued to pay the cost of such improvements as well as the interest thereon, it may, in its discretion, approve the request of the * * * Department of Agriculture and Commerce.

**SECTION 11.** Section 69-5-15, Mississippi Code of 1972, is amended as follows:

69-5-15. (1) The words "revenue bonds" shall be deemed to mean bonds payable solely from the net revenue received by the * * * Department of Agriculture and Commerce.

The Department of Finance and Administration shall have power and is hereby authorized, at one time or from time to time by resolution, to authorize the issuance of negotiable revenue bonds to provide funds for the purpose of paying all or any part of the cost of construction and/or improvements requested by the * * * Department of Agriculture and Commerce pursuant to Section 69-5-13, or the cost of any purchase of property or improvements

thereon pursuant to Section 17-17-49, but in no event shall the amount of such bonds outstanding at any one time exceed Four Million Dollars ($4,000,000.00); and shall cause a certified copy of such resolution to be delivered to the State Bond Commission. No bonds shall be issued under this section after April 23, 2008. Upon the receipt of said authorizing resolution, the State Bond Commission, acting as the issuing agent, shall issue and sell the revenue bonds of the State of Mississippi when authorized at the time and in the amount indicated in said resolution, prescribe the form of the bonds, advertise for and accept bids therefor, issue and sell the bonds, and do any and all other things necessary and advisable in the issuance and sale of said bonds. The principal of and the interest on such revenue bonds shall be payable solely from a special fund to be provided for that purpose from the net revenue received by the * * * Department of Agriculture and Commerce. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, provided that the bonds of any issue shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-103, be payable at such place or places within or without the State of Mississippi, shall mature at such time or times, be redeemable prior to maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by the State Bond Commission.

Such bonds shall mature in annual installments beginning not more than three (3) years from date thereof and extending not more than twenty (20) years from date thereof. Such bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be affixed thereto, and attested by the Secretary of the State Bond Commission. The interest coupons, if any, to be attached to such bonds or other certificates thereon may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officials herein designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers prior to the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser or had been in office on the date such bonds may bear.

(2) No bonds shall be issued under the authority of this section prior to February 1, 1983; thereafter such bonds may be issued provided that the expansion and other improvements of the Mississippi Industrial Showcase and Trade Mart Building shall have priority in the use of the proceeds of such bonds and provided that the Department of Finance and Administration has approved

plans to increase the size of such building by at least fifty percent (50%).

**SECTION 12.** Section 69-5-27, Mississippi Code of 1972, is amended as follows:

69-5-27. The * * * Department of Agriculture and Commerce shall have the power and authority, in its discretion, to borrow money from any bank or banks in an amount not in excess of Two Hundred Thousand Dollars ($200,000.00), to be used for the repair, renovation or maintenance of buildings located at the Mississippi State Fairgrounds. The * * * Department of Agriculture and Commerce may use any funds accruing to it to service and retire said indebtedness. Such loan shall not exceed a term of ten (10) years and shall bear interest at a rate not in excess of that provided for in Section 75-17-101.

Any loan secured under the provisions of this section shall be approved by the State Bond Commission.

**SECTION 13.** Section 69-5-29, Mississippi Code of 1972, is amended as follows:

69-5-29. The * * * Department of Agriculture and Commerce may by regulation establish policies for the issuance of free passes. These policies shall not prohibit officials of the fair or designated authority from entering said places for inspection purposes; shall not apply to press reporters designated to report news items; and shall not prohibit the commission from declaring

specified days, such as Press Day, Legislator's Day, or any other special day.

**SECTION 14.** Section 69-5-31, Mississippi Code of 1972, is amended as follows:

69-5-31. (1) The * * * Department of Agriculture and Commerce is authorized to hire and designate area law enforcement officers on a contractual basis to provide security and to enforce all laws of the State of Mississippi on the Mississippi State Fairgrounds Complex. All officers must have attended and satisfactorily completed the training course required for law enforcement officers at the Law Enforcement Officer's Training Academy or an equivalent facility. All officers must be current with this certification. A complete record of all law enforcement training of each employee will be maintained in each employee's record of employment. Furthermore, the * * * Department of Agriculture and Commerce may enter into a contract with any certified law enforcement officer to provide security to the * * * Department of Agriculture and Commerce with jurisdiction to enforce all laws of the State of Mississippi on property known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property.

(2) (a) All officers while in performance of their duty on the premises or at any of the facilities at the Mississippi State Fairgrounds Complex under the direction or control of the * * *

Department of Agriculture and Commerce and public property immediately adjacent to such facilities shall:

(i) Be required to dress in uniforms prescribed by * * * the respective law enforcement agency by which he or she is employed; and

(ii) Be authorized to carry weapons.

(b) Employees designated as officers shall be duly sworn and vested with authority to bear arms and make arrests, and shall exercise primarily the responsibilities of the prevention and detection of crime, the apprehension of criminals, and the enforcement of the ordinances and policies of the * * * Department of Agriculture and Commerce, a political subdivision of the State of Mississippi. Employees designated as such officers shall be considered law enforcement officers within the meaning of Section 45-6-3.

**SECTION 15.** Sections 4 through 14 of this act shall stand repealed on July 1, 2022.

**SECTION 16.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# House Bill 1729

**Description:** Taxation; revise provisions regarding certain income tax credits, sale tax and ad valorem tax exemptions and franchise tax credits.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* Revenue
*Revenue:* Yes
*Vote type required:* Three/Fifths
*Effective date:* ** See Text

**History of Actions:**

| | | |
|---|---|---|
| 1 | 05/28 | (H) Referred To Ways and Means |
| 2 | 05/28 | (H) Title Suff Do Pass Comm Sub |
| 3 | 05/29 | (H) Committee Substitute Adopted |
| 4 | 05/29 | (H) Passed {Vote} |
| 5 | 06/01 | (H) Transmitted To Senate |
| 6 | 06/03 | (S) Referred To Finance |
| 7 | 06/17 | (S) Title Suff Do Pass As Amended |
| 8 | 06/23 | (S) Amended |
| 9 | 06/23 | (S) Passed As Amended {Vote} |
| 10 | 06/25 | (S) Returned For Concurrence |
| 11 | 06/26 | (H) Concurred in Amend From Senate {Vote} |
| 12 | 06/30 | (H) Enrolled Bill Signed |
| 13 | 06/30 | (S) Enrolled Bill Signed |
| 14 | 07/07 | Approved by Governor |

**Amendments:**

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1729

**Code Section:** A 027-0007-0022.31, A 027-0007-0022.41, A 027-0007-0022.39, A 027-0007-0022.32, A 027-0065-0101, A 057-0087-0005, A 057-0087-0007

**----- Additional Information -----**

***House Committee:*** Ways and Means
***Senate Committee:*** Finance

***Principal Author:*** Lamar

***Title:*** AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES; TO REMOVE THE PROVISION THAT AUTHORIZES A TAXPAYER TO ELECT TO RECEIVE A 75% REBATE ON THE AMOUNT OF THE CREDIT IN EXCESS OF $250,000.00 IN LIEU OF THE TEN-YEAR CARRYFORWARD SO AS TO ALLOW THE TAXPAYER TO ELECT TO RECEIVE A REBATE ON 75% OF THE TOTAL AMOUNT OF THE CREDIT IN LIEU OF THE TEN-YEAR CARRYFORWARD; TO INCREASE BY $60,000,000.00 THE MAXIMUM AGGREGATE AMOUNT OF TAX CREDITS THAT MAY BE AWARDED UNDER THIS SECTION; TO GRANT PRIORITY FOR THE TAX CREDIT TO TAXPAYERS WHO WERE ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT PRIOR TO JULY 1, 2020; TO PROVIDE THAT THE TAX CREDIT SHALL APPLY TO TAXPAYERS WHO HAVE BEEN ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT BEFORE DECEMBER 31, 2030, OR WHO, BEFORE DECEMBER 31, 2030, HAVE RECEIVED A DETERMINATION IN WRITING FROM THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY THAT THE REHABILITATION IS CONSISTENT WITH THE HISTORIC CHARACTER OF THE PROPERTY AND THAT THE PROPERTY MEETS THE UNITED STATES SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND WHO ARE ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT ON OR AFTER DECEMBER 31, 2030; TO AMEND SECTION 27-7-22.41, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY BUSINESS ENTERPRISES TO ELIGIBLE CHARITABLE ORGANIZATIONS, TO INCREASE THE AGGREGATE AMOUNT OF THE CREDITS THAT MAY BE AWARDED DURING A CALENDAR YEAR; TO REVISE CERTAIN PROVISIONS RELATING TO THE ALLOCATION OF SUCH CREDITS; TO AMEND SECTION 27-7-22.39, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES SEPARATE INCOME TAX CREDITS FOR VOLUNTARY CASH CONTRIBUTIONS TO QUALIFYING CHARITABLE ORGANIZATIONS AND QUALIFYING FOSTER CARE CHARITABLE ORGANIZATIONS, TO DECREASE THE AGGREGATE AMOUNT OF THE CREDITS THAT MAY BE AWARDED IN A CALENDAR YEAR; TO PROVIDE THAT ANY TAX CREDITS NOT AWARDED UNDER THIS SECTION DURING CALENDAR YEAR 2020, MAY BE ALLOCATED DURING CALENDAR YEAR 2020 UNDER SECTION 27-7-22.41 FOR CONTRIBUTIONS BY TAXPAYERS TO CERTAIN ELIGIBLE CHARITABLE ORGANIZATIONS; TO EXTEND THE DATE OF THE REPEALER ON THAT SECTION OF LAW; TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR EXPENSES INCURRED FOR THE ADOPTION OF A CHILD, TO EXTEND THE DATE OF THE REVERTER ON THE PROVISION OF LAW THAT INCREASES THE MAXIMUM AMOUNT OF THE TAX CREDIT FROM $2,500.00 TO $5,000.00 PER CHILD AND THE PROVISION THAT AUTHORIZES AN INCOME TAX CREDIT FOR A CHILD ADOPTED THROUGH THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE SALES TAX EXEMPTION ON

SALES OF EQUIPMENT TO TELECOMMUNICATIONS ENTERPRISES THAT IS USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-5, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE INCOME TAX CREDIT AND CORPORATION FRANCHISE TAX CREDIT AUTHORIZED FOR TELECOMMUNICATIONS ENTERPRISES FOR THE COST OF EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-7, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE AD VALOREM TAX EXEMPTION FOR EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES BY TELECOMMUNICATIONS ENTERPRISES; TO PROVIDE THAT CERTAIN TAX CREDITS SHALL NOT APPLY TO EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES IF SUCH EQUIPMENT WAS PAID FOR, OR ITS COST WAS REIMBURSED BY, FUNDS MADE AVAILABLE UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1729
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES; TO REMOVE THE PROVISION THAT AUTHORIZES A TAXPAYER TO ELECT TO RECEIVE A 75% REBATE ON THE AMOUNT OF THE CREDIT IN EXCESS OF $250,000.00 IN LIEU OF THE TEN-YEAR CARRYFORWARD SO AS TO ALLOW THE TAXPAYER TO ELECT TO RECEIVE A REBATE ON 75% OF THE TOTAL AMOUNT OF THE CREDIT IN LIEU OF THE TEN-YEAR CARRYFORWARD; TO INCREASE BY $60,000,000.00 THE MAXIMUM AGGREGATE AMOUNT OF TAX CREDITS THAT MAY BE AWARDED UNDER THIS SECTION; TO GRANT PRIORITY FOR THE TAX CREDIT TO TAXPAYERS WHO WERE ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT PRIOR TO JULY 1, 2020; TO PROVIDE THAT THE TAX CREDIT SHALL APPLY TO TAXPAYERS WHO HAVE BEEN ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT BEFORE DECEMBER 31, 2030, OR WHO, BEFORE DECEMBER 31, 2030, HAVE RECEIVED A DETERMINATION IN WRITING FROM THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY THAT THE REHABILITATION IS CONSISTENT WITH THE HISTORIC CHARACTER OF THE PROPERTY AND THAT THE PROPERTY MEETS THE UNITED STATES SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND WHO ARE ISSUED A CERTIFICATE EVIDENCING THE ELIGIBLE CREDIT ON OR AFTER DECEMBER 31, 2030; TO AMEND SECTION 27-7-22.41, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY BUSINESS ENTERPRISES TO ELIGIBLE CHARITABLE ORGANIZATIONS, TO INCREASE THE AGGREGATE AMOUNT OF THE CREDITS THAT MAY BE AWARDED DURING A CALENDAR YEAR; TO REVISE CERTAIN PROVISIONS RELATING TO THE ALLOCATION OF SUCH CREDITS; TO AMEND SECTION 27-7-22.39, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES SEPARATE INCOME TAX CREDITS FOR VOLUNTARY CASH CONTRIBUTIONS TO QUALIFYING CHARITABLE ORGANIZATIONS AND QUALIFYING FOSTER CARE CHARITABLE ORGANIZATIONS, TO DECREASE THE AGGREGATE AMOUNT OF THE CREDITS THAT MAY BE AWARDED IN A CALENDAR YEAR; TO PROVIDE THAT ANY TAX CREDITS NOT AWARDED UNDER THIS SECTION DURING CALENDAR YEAR 2020, MAY BE ALLOCATED DURING CALENDAR YEAR 2020 UNDER SECTION 27-7-22.41 FOR CONTRIBUTIONS BY

TAXPAYERS TO CERTAIN ELIGIBLE CHARITABLE ORGANIZATIONS; TO EXTEND THE DATE OF THE REPEALER ON THAT SECTION OF LAW; TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR EXPENSES INCURRED FOR THE ADOPTION OF A CHILD, TO EXTEND THE DATE OF THE REVERTER ON THE PROVISION OF LAW THAT INCREASES THE MAXIMUM AMOUNT OF THE TAX CREDIT FROM $2,500.00 TO $5,000.00 PER CHILD AND THE PROVISION THAT AUTHORIZES AN INCOME TAX CREDIT FOR A CHILD ADOPTED THROUGH THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION SERVICES; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE SALES TAX EXEMPTION ON SALES OF EQUIPMENT TO TELECOMMUNICATIONS ENTERPRISES THAT IS USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-5, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE INCOME TAX CREDIT AND CORPORATION FRANCHISE TAX CREDIT AUTHORIZED FOR TELECOMMUNICATIONS ENTERPRISES FOR THE COST OF EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES; TO AMEND SECTION 57-87-7, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JULY 1, 2025, THE AD VALOREM TAX EXEMPTION FOR EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES BY TELECOMMUNICATIONS ENTERPRISES; TO PROVIDE THAT CERTAIN TAX CREDITS SHALL NOT APPLY TO EQUIPMENT USED IN THE DEPLOYMENT OF BROADBAND TECHNOLOGIES IF SUCH EQUIPMENT WAS PAID FOR, OR ITS COST WAS REIMBURSED BY, FUNDS MADE AVAILABLE UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-7-22.31, Mississippi Code of 1972, is amended as follows:

27-7-22.31. (1) As used in this section:

(a) "Certified historic structure" means a property located in Mississippi that has been:

(i) Listed individually on the National Register of Historic Places; or

(ii) Determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section; or

(iii) Property designated a Mississippi Landmark by the Department of Archives and History pursuant to Section 39-7-3 et seq.

(b) "Eligible property" means property located in Mississippi and offered or used for residential or business purposes; however, the term "eligible property" shall not include a single-family dwelling unless:

(i) A certificate evidencing the eligible credit has been issued to the taxpayer by the department prior to July 1, 2016, that applies to such dwelling; or

(ii) The dwelling is designated as a National Historic Landmark under the National Historic Landmarks Program.

(c) "Structure in a certified historic district" means a structure (and its structural components) located in Mississippi which:

(i) Is listed in the National Register of Historic Places; or

(ii) Has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section; or

(iii) Is located in a registered historic district listed on the National Register of Historic Places or located in a potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the

United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section, and is certified by the Secretary of the United States Department of the Interior as being of historic significance to the district; or

(iv) Is certified by the Mississippi Department of Archives and History as contributing to the historic significance of:

1. A certified historic district listed on the National Register of Historic Places; or

2. A potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the credit authorized by this section; or

3. A local district that has been certified by the United States Department of the Interior.

(d) "Department" means the Department of Archives and History.

(2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or a structure in a certified historic district, shall be entitled to a credit against the taxes imposed pursuant to this chapter in an amount equal to twenty-five percent (25%) of the total costs and expenses of rehabilitation incurred after January

1, 2006, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder:

(a) If the costs and expenses associated with rehabilitation exceed:

(i) Five Thousand Dollars ($5,000.00) in the case of an owner-occupied dwelling; or

(ii) Fifty percent (50%) of the total basis in the property in the case of all other properties; and

(b) The rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior as determined by the department.

(3) Any taxpayer eligible for the credit authorized by this section may claim the credit in phases if:

(a) There is a written set of architectural plans and specifications for all phases of the rehabilitation (written plans outlining and describing all phases of the rehabilitation shall be accepted as written plans and specifications);

(b) The written set of architectural plans and specifications are completed before the physical work on the rehabilitation begins; and

(c) It can reasonably be expected that all phases of the rehabilitation will be completed.

(4) (a) (i) If the amount of the tax credit established by this section exceeds the total state income tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the total state income tax liability may be carried forward for the ten (10) succeeding tax years.

(ii) * * * The taxpayer may elect to claim a refund in the amount of seventy-five percent (75%) of the excess credit in lieu of the ten-year carryforward. The election must be made in the year in which the rehabilitated property is placed in service. Refunds will be paid in equal installments over a two-year period and shall be made from current collections.

(iii) Refund requests shall be submitted to the Department of Revenue on forms prescribed by the department. Refunds shall be made from current tax collections.

(b) Not-for-profit entities, including, but not limited to, nonprofit corporations organized under Section 79-11-101 et seq. shall be ineligible for the credit authorized by this section. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners on a pro rata basis or pursuant to an executed agreement among the partners, members or owners documenting an alternative distribution method. Partners, members or other owners of a pass-through entity are not eligible to elect a refund of excess credit in lieu of a carryforward of the credit. However, a

partnership or limited liability company taxed as a partnership may elect to claim a refund of excess credit at the entity level on a form prescribed by the Department of Revenue. Additionally, excess tax credits that are attributable to rehabilitated property that was placed in service by a pass-through entity prior to January 1, 2011, and that have previously been allocated to and are held by another pass-through entity prior to January 1, 2011, may be refunded to such other pass-through entity.

(5) (a) To claim the credit authorized pursuant to this section, the taxpayer shall apply to the department which shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior. The department shall issue a certificate evidencing the eligible credit if the taxpayer is found to be eligible for the tax credit. The taxpayer shall attach the certificate to all income tax returns on which the credit is claimed. The department shall not issue certificates evidencing the eligible credit which, when combined with certificates of eligible credits issued prior to July 1, 2016, will result in credits being awarded in excess of Twelve Million Dollars ($12,000,000.00) in any one (1) state fiscal year.

(b) The aggregate amount of tax credits that may be awarded under this section shall not exceed * * * <u>One Hundred Eighty Million Dollars ($180,000,000.00)</u>. A taxpayer who was

issued a certificate evidencing the eligible credit by the department prior to July 1, * * * 2020, but who was unable to be awarded the credit due to the limit on the aggregate amount of credits authorized under this section prior to July 1, * * * 2020:

(i) May be awarded the credit so long as the award does not cause the aggregate amount of tax credits awarded to exceed the * * * amount authorized in this paragraph; and

(ii) Shall be given priority for tax credits awarded after July 1, * * * 2020.

(6) (a) The credit received by a taxpayer pursuant to this section is subject to recapture if:

(i) The property is one that has been determined eligible for the National Register of Historic Places but is not listed on the National Register of Historic Places within thirty (30) months of claiming the credit authorized by this section;

(ii) The potential district in which the property is located is not listed on the National Register of Historic Places within thirty (30) months of claiming the credit authorized by this section; or

(iii) The rehabilitation of the property for which the credit was granted is abandoned.

(b) The taxpayer shall notify the department and the Department of Revenue if any of the situations that subject the credit to recapture occur.

(7) (a) The board of trustees of the department shall establish fees to be charged for the services performed by the department under this section and shall publish the fee schedule. The fees contained in the schedule shall be in amounts reasonably calculated to recover the costs incurred by the department for the administration of this section. Any taxpayer desiring to participate in the tax credits authorized by this section shall pay the appropriate fee as contained in the fee schedule to the department, which shall be used by the department, without appropriation, to offset the administrative costs of the department associated with its duties under this section.

(b) There is hereby created within the State Treasury a special fund into which shall be deposited all the fees collected by the department pursuant to this section. Money deposited into the fund shall not lapse at the end of any fiscal year and investment earnings on the proceeds in such special fund shall be deposited into such fund. Money from the fund shall be disbursed upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the department to assist the department in carrying out its duties under this section.

(8) This section shall only apply to taxpayers:

(a) Who have been issued a certificate evidencing the eligible credit before December 31, * * * 2030; or

(b) Who, before December 31, * * * 2030, have received a determination in writing from the Mississippi Department of

Archives and History, in accordance with the department's Historic Preservation Certificate Application, Part 2, that the rehabilitation is consistent with the historic character of the property and that the property meets the United States Secretary of the Interior's Standards for Rehabilitation, or will meet the standards if certain specified conditions are met, and, who are issued a certificate evidencing the eligible credit on or after December 31, * * * 2030.

**SECTION 2.** Section 27-7-22.41, Mississippi Code of 1972, is amended as follows:

27-7-22.41. (1) For the purposes of this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Department" means the Department of Revenue.

(b) "Eligible charitable organization" means an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and is:

(i) Licensed by or under contract or agreement with the Department of Child Protection Services and provides services for:

1. The prevention and diversion of children from custody with the Department of Child Protection Services,

2. The safety, care and well-being of children in custody with the Department of Child Protection Services, or

3. The express purpose of creating permanency for children through adoption; or

(ii) Certified by the department as a job training, workforce development or educational services charitable organization and provides services to:

1. Children in a foster care placement program established by the Department of Child Protection Services, children placed under the Safe Families for Children model, or children at significant risk of entering a foster care placement program established by the Department of Child Protection Services,

2. Children who have a chronic illness or physical, intellectual, developmental or emotional disability, or

3. Children eligible for free or reduced price meals programs under Section 37-11-7, or selected for participation in the Promise Neighborhoods Program sponsored by the U.S. Department of Education.

(2) (a) The tax credit authorized in this section shall be available only to a taxpayer who is a business enterprise engaged in commercial, industrial or professional activities and operating as a corporation, limited liability company, partnership or sole proprietorship. Except as otherwise provided in this section, a credit is allowed against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, for voluntary cash contributions made by a taxpayer during the taxable year to an

eligible charitable organization. The amount of credit that may be utilized by a taxpayer in a taxable year shall be limited to an amount not to exceed fifty percent (50%) of the total tax liability of the taxpayer for the taxes imposed by such sections of law. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credits were earned.

(b) A contribution to an eligible charitable organization for which a credit is claimed under this section does not qualify for and shall not be included in any credit that may be claimed under Section 27-7-22.39.

(c) A contribution for which a credit is claimed under this section may not be used as a deduction by the taxpayer for state income tax purposes.

(3) Taxpayers taking a credit authorized by this section shall provide the name of the eligible charitable organization and the amount of the contribution to the department on forms provided by the department.

(4) An eligible charitable organization shall provide the department with a written certification that it meets all criteria to be considered an eligible charitable organization. The organization shall also notify the department of any changes that may affect eligibility under this section.

(5) The eligible charitable organization's written certification must be signed by an officer of the organization under penalty of perjury. The written certification shall include the following:

(a) Verification of the organization's status under Section 501(c)(3) of the Internal Revenue Code;

(b) A statement that the organization does not provide, pay for or provide coverage of abortions and does not financially support any other entity that provides, pays for or provides coverage of abortions;

(c) Any other information that the department requires to administer this section.

(6) The department shall review each written certification and determine whether the organization meets all the criteria to be considered an eligible charitable organization and notify the organization of its determination. The department may also periodically request recertification from the organization. The department shall compile and make available to the public a list of eligible charitable organizations.

(7) Tax credits authorized by this section that are earned by a partnership, limited liability company, S corporation or other similar pass-through entity, shall be allocated among all partners, members or shareholders, respectively, either in proportion to their ownership interest in such entity or as the

partners, members or shareholders mutually agree as provided in an executed document.

(8) (a) A taxpayer shall apply for credits with the department on forms prescribed by the department. In the application the taxpayer shall certify to the department the dollar amount of the contributions made or to be made during the calendar year. Within thirty (30) days after the receipt of an application, the department shall allocate credits based on the dollar amount of contributions as certified in the application. However, if the department cannot allocate the full amount of credits certified in the application due to the limit on the aggregate amount of credits that may be awarded under this section in a calendar year, the department shall so notify the applicant within thirty (30) days with the amount of credits, if any, that may be allocated to the applicant in the calendar year. Once the department has allocated credits to a taxpayer, if the contribution for which a credit is allocated has not been made as of the date of the allocation, then the contribution must be made not later than sixty (60) days from the date of the allocation. If the contribution is not made within such time period, the allocation shall be cancelled and returned to the department for reallocation. Upon final documentation of the contributions, if the actual dollar amount of the contributions is lower than the amount estimated, the department shall adjust the tax credit allowed under this section.

(b) A taxpayer who applied for a tax credit under this section during calendar year 2020, but who was unable to be awarded the credit due to the limit on the aggregate amount of credits authorized for calendar year 2020, shall be given priority for tax credits authorized to be allocated to taxpayers under this section by Section 27-7-22.39.

(9) The aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed Five Million Dollars ($5,000,000.00), and not more than fifty percent (50%) of tax credits allocated during a calendar year may be allocated for contributions to eligible charitable organizations described in subsection (1)(b)(ii) of this section. However, for calendar year 2021, and for each calendar year thereafter, the aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed Ten Million Dollars ($10,000,000.00). For calendar year 2021, and for each calendar year thereafter, fifty percent (50%) of the tax credits allocated during a calendar year shall be allocated for contributions to eligible charitable organizations described in subsection (1)(b)(i) of this section and fifty percent (50%) of the tax credits allocated during a calendar year shall be allocated for contributions to eligible charitable organizations described in subsection (1)(b)(ii) of this section. For calendar year 2021, and for each calendar year thereafter, for credits allocated

during a calendar year for contributions to eligible charitable organizations described in subsection (1)(b)(i) of this section, no more than twenty-five percent (25%) of such credits may be allocated for contributions to a single eligible charitable organization. For calendar year 2021, and for each calendar year thereafter, for credits allocated during a calendar year for contributions to eligible charitable organizations described in subsection (1)(b)(ii) of this section, no more than five percent (5%) of such credits may be allocated for contributions to a single eligible charitable organization.

* * *

**SECTION 3.** Section 27-7-22.39, Mississippi Code of 1972, is amended as follows:

27-7-22.39. (1) As used in this section:

(a) "Low-income residents" means persons whose household income is less than one hundred fifty percent (150%) of the federal poverty level.

(b) "Qualifying charitable organization" means a charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code or is a designated community action agency that receives community services block grant program monies pursuant to 42 USC 9901. The organization must spend at least fifty percent (50%) of its budget on services to residents of this state who receive temporary assistance for needy families benefits or low-income residents of

this state and their households or to children who have a chronic illness or physical, intellectual, developmental or emotional disability who are residents of this state. A charitable organization that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and that meets all other requirements of this paragraph except that it does not spend at least fifty percent (50%) of its overall budget in Mississippi may be a qualifying charitable organization if it spends at least fifty percent (50%) of its Mississippi budget on services to qualified individuals in Mississippi and it certifies to the department that one hundred percent (100%) of the voluntary cash contributions from the taxpayer will be spent on services to qualified individuals in Mississippi. Taxpayers choosing to make donations through an umbrella charitable organization that collects donations on behalf of member charities shall designate that the donation be directed to a member charitable organization that would qualify under this section on a stand-alone basis. Qualifying charitable organization does not include any entity that provides, pays for or provides coverage of abortions or that financially supports any other entity that provides, pays for or provides coverage of abortions.

(c) "Qualifying foster care charitable organization" means a qualifying charitable organization that each operating year provides services to at least one hundred (100) qualified individuals in this state and spends at least fifty percent (50%)

of its budget on services to qualified individuals in this state. A charitable organization that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and that meets all other requirements of this paragraph except that it does not spend at least fifty percent (50%) of its overall budget in Mississippi may be a qualifying foster care charitable organization if it spends at least fifty percent (50%) of its Mississippi budget on services to qualified individuals in Mississippi and it certifies to the department that one hundred percent (100%) of the voluntary cash contributions from the taxpayer will be spent on services to qualified individuals in Mississippi. For the purposes of this paragraph, "qualified individual" means a child in a foster care placement program established by the Department of Child Protection Services, a child placed under the Safe Families for Children model, or a child at significant risk of entering a foster care placement program established by the Department of Child Protection Services.

(d) "Services" means:

(i) Cash assistance, medical care, child care, food, clothing, shelter, and job-placement services or any other assistance that is reasonably necessary to meet immediate basic needs and that is provided and used in this state;

(ii) Job-training or education services or funding for parents, foster parents or guardians; or

(iii) Job-training or education services or funding provided as part of a foster care independent living program.

(2) Except as provided in subsections (3) and (4) of this section, a credit is allowed against the taxes imposed by this chapter for voluntary cash contributions by the taxpayer during the taxable year to a qualifying charitable organization, other than a qualifying foster care charitable organization, not to exceed:

(a) The lesser of Four Hundred Dollars ($400.00) or the amount of the contribution in any taxable year for a single individual or a head of household.

(b) The lesser of Eight Hundred Dollars ($800.00) or the amount of the contribution in any taxable year for a married couple filing a joint return.

(3) A separate credit is allowed against the taxes imposed by this chapter for voluntary cash contributions during the taxable year to a qualifying foster care charitable organization. A contribution to a qualifying foster care charitable organization does not qualify for, and shall not be included in, any credit amount under subsection (2) of this section. If the voluntary cash contribution by the taxpayer is to a qualifying foster care charitable organization, the credit shall not exceed:

(a) The lesser of Five Hundred Dollars ($500.00) or the amount of the contribution in any taxable year for a single individual or a head of household.

(b) The lesser of One Thousand Dollars ($1,000.00) or the amount of the contribution in any taxable year for a married couple filing a joint return.

(4) Subsections (2) and (3) of this section provide separate credits against taxes imposed by this chapter depending on the recipients of the contributions. A taxpayer, including a married couple filing a joint return, in the same taxable year, may either or both:

(a) Contribute to a qualifying charitable organization, other than a qualifying foster care charitable organization, and claim a credit under subsection (2) of this section.

(b) Contribute to a qualifying foster care charitable organization and claim a credit under subsection (3) of this section.

(5) A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half (1/2) of the tax credit that would have been allowed for a joint return.

(6) If the allowable tax credit exceeds the taxes otherwise due under this chapter on the claimant's income, or if there are no taxes due under this chapter, the taxpayer may carry forward the amount of the claim not used to offset the taxes under this

chapter for not more than five (5) consecutive taxable years' income tax liability.

(7) The credit allowed by this section is in lieu of a deduction pursuant to Section 170 of the Internal Revenue Code and taken for state tax purposes.

(8) Taxpayers taking a credit authorized by this section shall provide the name of the qualifying charitable organization and the amount of the contribution to the department on forms provided by the department.

(9) A qualifying charitable organization shall provide the department with a written certification that it meets all criteria to be considered a qualifying charitable organization. The organization shall also notify the department of any changes that may affect the qualifications under this section.

(10) The charitable organization's written certification must be signed by an officer of the organization under penalty of perjury. The written certification shall include the following:

(a) Verification of the organization's status under Section 501(c)(3) of the Internal Revenue Code or verification that the organization is a designated community action agency that receives community services block grant program monies pursuant to 42 USC 9901.

(b) Financial data indicating the organization's budget for the organization's prior operating year and the amount of that budget spent on services to residents of this state who either:

(i) Receive temporary assistance for needy families benefits;

(ii) Are low-income residents of this state;

(iii) Are children who have a chronic illness or physical, intellectual, developmental or emotional disability; or

(iv) Are children in a foster care placement program established by the Department of Child Protection Services, children placed under the Safe Families for Children model or children at significant risk of entering a foster care placement program established by the Department of Child Protection Services.

(c) A statement that the organization plans to continue spending at least fifty percent (50%) of its budget on services to residents of this state who receive temporary assistance for needy families benefits, who are low-income residents of this state, who are children who have a chronic illness or physical, intellectual, developmental or emotional disability or who are children in a foster care placement program established by the Department of Child Protection Services, children placed under the Safe Families for Children model or children at significant risk of entering a foster care placement program established by the Department of Child Protection Services. A charitable organization that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code and that meets all other requirements for a qualifying charitable organization or qualifying foster care

charitable organization except that it does not spend at least fifty percent (50%) of its overall budget in Mississippi shall submit a statement that it spends at least fifty percent (50%) of its Mississippi budget on services to qualified individuals in Mississippi and that one hundred percent (100%) of the voluntary cash contributions it receives from Mississippi taxpayers will be spent on services to qualified individuals in Mississippi.

(d) In the case of a foster care charitable organization, a statement that each operating year it provides services to at least one hundred (100) qualified individuals in this state.

(e) A statement that the organization does not provide, pay for or provide coverage of abortions and does not financially support any other entity that provides, pays for or provides coverage of abortions.

(f) Any other information that the department requires to administer this section.

(11) The department shall review each written certification and determine whether the organization meets all the criteria to be considered a qualifying charitable organization and notify the organization of its determination. The department may also periodically request recertification from the organization. The department shall compile and make available to the public a list of the qualifying charitable organizations.

(12) The aggregate amount of tax credits that may be awarded under this section in any calendar year shall not exceed Three Million Dollars ($3,000,000.00). However, for calendar year 2021, and for each calendar year thereafter, the aggregate amount of tax credits that may be awarded under this section in any calendar year shall not exceed One Million Dollars ($1,000,000.00). In addition, any tax credits not awarded under this section before June 1, 2020, may be allocated during calendar year 2020 under Section 27-7-22.41 for contributions by taxpayers to eligible charitable organizations described in Section 27-7-22.41(1)(b)(ii) as provided under such section, notwithstanding any limitation on the percentage of tax credits that may be allocated for such contributions.

(13) A taxpayer shall apply for credits with the department on forms prescribed by the department. In the application the taxpayer shall certify to the department the dollar amount of the contributions made or to be made during the calendar year. Within thirty (30) days after the receipt of an application, the department shall allocate credits based on the dollar amount of contributions as certified in the application. However, if the department cannot allocate the full amount of credits certified in the application due to the limit on the aggregate amount of credits that may be awarded under this section in a calendar year, the department shall so notify the applicant within thirty (30) days with the amount of credits, if any, that may be allocated to

the applicant in the calendar year. Once the department has allocated credits to a taxpayer, if the contribution for which a credit is allocated has not been made as of the date of the allocation, then the contribution must be made not later than sixty (60) days from the date of the allocation. If the contribution is not made within such time period, the allocation shall be cancelled and returned to the department for reallocation. Upon final documentation of the contributions, if the actual dollar amount of the contributions is lower than the amount estimated, the department shall adjust the tax credit allowed under this section.

(14) This section shall be repealed from and after January 1, * * * 2025.

**SECTION 4.** Section 27-7-22.32, Mississippi Code of 1972, is amended as follows:

**[Through December 31, * * * 2023, this section shall read as follows:]**

27-7-22.32. (1) (a) There shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred, not to exceed Two Thousand Five Hundred Dollars ($2,500.00), for each dependent child legally adopted by a taxpayer under the laws of this state during calendar year 2006 or during any calendar year thereafter through calendar year 2017, and not to exceed Five Thousand Dollars ($5,000.00) for each dependent child legally adopted by a

taxpayer under the laws of this state during any calendar year thereafter. A taxpayer claiming a credit under this paragraph (a) may not claim a credit under paragraph (b) of this subsection for the adoption of the same child.

(b) There shall be allowed as a credit against the tax imposed by this chapter the amount of Five Thousand Dollars ($5,000.00) for each dependent child legally adopted by a taxpayer under the laws of this state through the Mississippi Department of Child Protection Services during calendar year 2018 or during any calendar year thereafter. A taxpayer claiming a credit under this paragraph (b) may not claim a credit under paragraph (a) of this subsection for the adoption of the same child.

(2) The tax credit under this section may be claimed for the taxable year in which the adoption becomes final under the laws of this state. Any tax credit claimed under this section but not used in any taxable year may be carried forward for the five (5) succeeding tax years. A tax credit is allowed under this section for any child for which an exemption is claimed during the same taxable year under Section 27-7-21(e). For the purposes of this section, the term "qualified adoption expenses" means and has the same definition as that term has in 26 USCS 36C.

**[From and after January 1, * * * 2024, this section shall read as follows:]**

27-7-22.32. There shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption

expenses paid or incurred, not to exceed Two Thousand Five Hundred Dollars ($2,500.00), for each dependent child legally adopted by a taxpayer under the laws of this state during calendar year 2006 or during any calendar year thereafter. The tax credit under this section may be claimed for the taxable year in which the adoption becomes final under the laws of this state. Any tax credit claimed under this section but not used in any taxable year may be carried forward for the three (3) succeeding tax years. A tax credit is allowed under this section for any child for which an exemption is claimed during the same taxable year under Section 27-7-21(e). For the purposes of this section, the term "qualified adoption expenses" means and has the same definition as that term has in 26 USCS 36C.

**SECTION 5.** Section 27-65-101, Mississippi Code of 1972, is amended as follows:

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this

section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

The tax levied by this chapter shall not apply to the following:

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases (except natural gas) to a manufacturer for use directly in manufacturing or processing a product for sale or rental or repairing or reconditioning vessels or barges of fifty (50) tons load displacement and over. For the purposes of this exemption, electricity used directly in the electrolysis process in the production of sodium chlorate shall be considered a raw material. This exemption shall not apply to any property used as fuel except to the extent that such fuel comprises by-products which have no market value.

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil or natural gas exploration or production, vessels or barges of fifty (50) tons load displacement

and over, when the vessels or barges are sold by the manufacturer or builder thereof. In addition to other types of equipment, offshore drilling equipment for use in oil or natural gas exploration or production shall include aircraft used predominately to transport passengers or property to or from offshore oil or natural gas exploration or production platforms or vessels, and engines, accessories and spare parts for such aircraft.

(d) Sales to commercial fishermen of commercial fishing boats of over five (5) tons load displacement and not more than fifty (50) tons load displacement as registered with the United States Coast Guard and licensed by the Mississippi Commission on Marine Resources.

(e) The gross income from repairs to vessels and barges engaged in foreign trade or interstate transportation.

(f) Sales of petroleum products to vessels or barges for consumption in marine international commerce or interstate transportation businesses.

(g) Sales and rentals of rail rolling stock (and component parts thereof) for ultimate use in interstate commerce and gross income from services with respect to manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof).

(h) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases

(except natural gas) used or consumed directly in manufacturing, repairing, cleaning, altering, reconditioning or improving such rail rolling stock (and component parts thereof). This exemption shall not apply to any property used as fuel.

(i) Sales of machinery or tools or repair parts therefor or replacements thereof, fuel or supplies used directly in manufacturing, converting or repairing ships, vessels or barges of three thousand (3,000) tons load displacement and over, but not to include office and plant supplies or other equipment not directly used on the ship, vessel or barge being built, converted or repaired. For purposes of this exemption, "ships, vessels or barges" shall not include floating structures described in Section 27-65-18.

(j) Sales of tangible personal property to persons operating ships in international commerce for use or consumption on board such ships. This exemption shall be limited to cases in which procedures satisfactory to the commissioner, ensuring against use in this state other than on such ships, are established.

(k) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-51-5, which are located in a county or portion

thereof designated as an enterprise zone pursuant to Sections 57-51-1 through 57-51-15.

(l) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-54-5.

(m) Income from storage and handling of perishable goods by a public storage warehouse.

(n) The value of natural gas lawfully injected into the earth for cycling, repressuring or lifting of oil, or lawfully vented or flared in connection with the production of oil; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt.

(o) The gross collections from self-service commercial laundering, drying, cleaning and pressing equipment.

(p) Sales of materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the building, or any addition thereon, to be used therein, to qualified companies, certified as such by the Mississippi Development Authority under Section 57-53-1.

(q) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph (q).

(r) (i) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of twenty (20) jobs at the new headquarters in this state. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (i).

(ii) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi and creating a minimum of twenty (20) new jobs at the headquarters as a result of the expansion or additions. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (ii).

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles, all-terrain cycles and rotary-wing aircraft if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and

(iii) Engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters.

For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales or leases of materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

(w) From and after July 1, 2001, sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(x) Sales or leases to a manufacturer of motor vehicles or powertrain components operating a project that has been

certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii) or Section 57-75-5(f)(xxviii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi

Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacturing/production operations of the project or used to provide climate control for manufacturing/production areas.

(dd) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) and any other sales or leases required to establish or operate such project.

(ee) Sales of parts used in the repair and servicing of aircraft not registered in Mississippi engaged exclusively in the business of foreign or interstate transportation to businesses engaged in aircraft repair and maintenance.

(ff) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a

permanent business enterprise operating a data/information enterprise in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), meeting minimum criteria established by the Mississippi Development Authority.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be

housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q), (r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement

thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of the facility, to be used in the facility, to permanent business enterprises operating a facility producing renewable crude oil from biomass harvested or produced, in whole or in part, in Mississippi, which businesses meet minimum criteria established by the Mississippi Development Authority. As used in this paragraph, the term "biomass" shall have the meaning ascribed to such term in Section 57-113-1.

(oo) Sales of supplies, equipment and other personal property to an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and is the host organization coordinating a professional golf tournament played or to be played in this state and the supplies, equipment or other personal property will be used for purposes related to the golf tournament and related activities.

(pp) Sales of materials used in the construction of a health care industry facility, as defined in Section 57-117-3, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition thereon, to be used therein, to qualified businesses, as defined in Section 57-117-3. This paragraph shall be repealed from and after July 1, 2022.

(qq) Sales or leases to a manufacturer of automotive parts operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxviii) of machinery and equipment; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal, nitrogen and natural gas used directly in the manufacture of automotive parts or used to provide climate control for manufacturing areas.

(rr) Gross collections derived from guided tours on any navigable waters of this state, which include providing accommodations, guide services and/or related equipment operated by or under the direction of the person providing the tour, for the purposes of outdoor tourism. The exemption provided in this paragraph (rr) does not apply to the sale of tangible personal property by a person providing such tours.

(ss) Retail sales of truck-tractors and semitrailers used in interstate commerce and registered under the International Registration Plan (IRP) or any similar reciprocity agreement or compact relating to the proportional registration of commercial vehicles entered into as provided for in Section 27-19-143.

(tt) Sales exempt under the Facilitating Business Rapid Response to State Declared Disasters Act of 2015 (Sections 27-113-1 through 27-113-9).

(uu) Sales or leases to an enterprise and its affiliates operating a project that has been certified by the

Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxix) of:

(i) All personal property and fixtures, including without limitation, sales or leases to the enterprise and its affiliates of:

1. Manufacturing machinery and equipment;

2. Special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes;

3. Component building materials, machinery and equipment used in the construction of buildings, and any other additions or improvements to the project site for the project;

4. Nonmanufacturing furniture, fixtures and equipment (inclusive of all communications, computer, server, software and other hardware equipment); and

5. Fuel, supplies (other than nonmanufacturing consumable supplies and water), electricity, nitrogen gas and natural gas used directly in the manufacturing/production operations of such project or used to provide climate control for manufacturing/production areas of such project;

(ii) All replacements of, repair parts for or services to repair items described in subparagraph (i)1, 2 and 3 of this paragraph; and

(iii) All services taxable pursuant to Section 27-65-23 required to establish, support, operate, repair and/or maintain such project.

(vv) Sales or leases to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxx) of:

(i) Purchases required to establish and operate the project, including, but not limited to, sales of component building materials, machinery and equipment required to establish the project facility and any additions or improvements thereon; and

(ii) Machinery, special tools (such as dies, molds, and jigs) or repair parts thereof, or replacements and lease thereof, repair services thereon, fuel, supplies and electricity, coal and natural gas used in the manufacturing process and purchased by the enterprise owning or operating the project for the benefit of the project.

(ww) Sales of component materials used in the construction of a building, or any expansion or improvement thereon, sales of machinery and/or equipment to be used therein, and sales of processing machinery and equipment which is permanently attached to the ground or to a permanent foundation which is not by its nature intended to be housed in a building structure, no later than three (3) months after initial startup,

expansion or improvement of a permanent enterprise solely engaged in the conversion of natural sand into proppants used in oil and gas exploration and development with at least ninety-five percent (95%) of such proppants used in the production of oil and/or gas from horizontally drilled wells and/or horizontally drilled recompletion wells as defined in Sections 27-25-501 and 27-25-701.

(2) Sales of component materials used in the construction of a building, or any addition or improvement thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any

addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. For purposes of this subsection, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(5) (a) For purposes of this subsection:

(i) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21;

(ii) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21;

(iii) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21;

(iv) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21; and

(v) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(b) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, * * * 2025, that is installed in Tier One areas and used in the deployment of broadband technologies shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

(c) Sales of equipment to telecommunications enterprises after June 30, 2003, and before July 1, * * * 2025, that is installed in Tier Two and Tier Three areas and used in the deployment of broadband technologies shall be exempt from the taxes imposed on such transactions under this chapter.

(6) Sales of component materials used in the replacement, reconstruction or repair of a building that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises that were eligible for the partial exemptions provided for in subsections (2), (3) and (4) of this section during initial construction of the building that was destroyed or damaged, which enterprises are certified by the Department of Revenue as being eligible for the partial exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter.

**SECTION 6.** Section 57-87-5, Mississippi Code of 1972, is amended as follows:

57-87-5. (1) For purposes of this section:

(a) "Telecommunications enterprises" shall have the meaning ascribed to such term in Section 57-73-21(14);

(b) "Tier One areas" mean counties designated as Tier One areas pursuant to Section 57-73-21(1);

(c) "Tier Two areas" mean counties designated as Tier Two areas pursuant to Section 57-73-21(1);

(d) "Tier Three areas" mean counties designated as Tier Three areas pursuant to Section 57-73-21(1); and

(e) "Equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one (1) direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

(2) With respect to the investment in each year by a telecommunications enterprise after June 30, 2003, and before July 1, * * * 2025, there shall be allowed annually as a credit against the aggregate tax imposed by Chapters 7 and 13 of Title 27, Mississippi Code of 1972, an amount equal to:

(a) Five percent (5%) of the cost of equipment used in the deployment of broadband technologies in Tier One areas;

(b) Ten percent (10%) of the cost of equipment used in the deployment of broadband technologies in Tier Two areas; and

(c) Fifteen percent (15%) of the cost of equipment used in the deployment of broadband technologies in Tier Three areas.

(3) Such annual credits shall be allowed commencing with the taxable year in which such property is placed in service and

continue for nine (9) consecutive years thereafter. The aggregate credit established by this section taken in any one (1) tax year shall be limited to an amount not greater than fifty percent (50%) of the taxpayer's tax liabilities under Chapters 7 and 13 of Title 27, Mississippi Code of 1972; however, any tax credit claimed under this section, but not used in any taxable year, may be carried forward for ten (10) consecutive years from the close of the tax year in which the credits were earned.

(4) The maximum aggregate amount of credits that may be claimed under this section shall not exceed the original investment made by a telecommunications enterprise in the qualifying equipment used in the deployment of broadband technologies.

(5) For purposes of this section, the tier in which broadband technology is deployed shall be determined in the year in which such technology is deployed in a county and such tier shall not change if the county is later designated in another tier.

(6) There will be no credit allowed under this section if the equipment used in the deployment of broadband technologies was paid for, or its cost was reimbursed by, funds made available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**SECTION 7.** Section 57-87-7, Mississippi Code of 1972, is amended as follows:

57-87-7. Equipment used in the deployment of broadband technologies by a telecommunications enterprise (as defined in Section 57-73-21(14)), that is placed in service after June 30, 2003, and before July 1, * * * 2025, shall be exempt from ad valorem taxation for a period of ten (10) years after the date such equipment is placed in service. For purposes of this section, "equipment used in the deployment of broadband technologies" means any equipment capable of being used for or in connection with the transmission of information at a rate, prior to taking into account the effects of any signal degradation, that is not less than three hundred eighty-four (384) kilobits per second in at least one direction, including, but not limited to, asynchronous transfer mode switches, digital subscriber line access multiplexers, routers, servers, multiplexers, fiber optics and related equipment.

**SECTION 8.** Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the income tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the income tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before

the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

**SECTION 9.** Sections 2 and 3 of this act shall take effect and be in force from and after January 1, 2020, and the remaining sections of this act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2009

**Description:** Sex offenders; future contact with victim prohibited (Carly's Law).

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/14 | (S) Referred To Judiciary, Division B |
| 2 | 02/11 | (S) Title Suff Do Pass |
| 3 | 03/05 | (S) Amended |
| 4 | 03/05 | (S) Passed As Amended {Vote} |
| 5 | 03/09 | (S) Transmitted To House |
| 6 | 03/13 | (H) Referred To Judiciary B |
| 7 | 06/09 | (H) Title Suff Do Pass As Amended |
| 8 | 06/16 | (H) Amended |
| 9 | 06/16 | (H) Passed As Amended {Vote} |
| 10 | 06/17 | (H) Returned For Concurrence |
| 11 | 06/18 | (S) Decline to Concur/Invite Conf |
| 12 | 06/18 | (S) Conferees Named Wiggins,Blackwell,Thompson |
| 13 | 06/29 | (H) Conferees Named Bain,Sanford,Newman |
| 14 | 06/30 | (S) Conference Report Filed |
| 15 | 06/30 | (H) Conference Report Filed |
| 16 | 07/01 | (H) Conference Report Adopted {Vote} |
| 17 | 07/01 | (H) Immediate Release |
| 18 | 07/01 | (S) Conference Report Adopted {Vote} |
| 19 | 07/01 | (S) Immediate Release |
| 20 | 07/01 | (S) Enrolled Bill Signed |
| 21 | 07/01 | (H) Enrolled Bill Signed |
| 22 | 07/07 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2009

Conference Reports:

Conference Report

**----- Additional Information -----**

***Senate Committee:*** Judiciary, Division B
***House Committee:*** Judiciary B

***Principal Author:*** Blackwell
***Additional Authors:*** Branning, Carter, Caughman, DeBar, DeLano, Jackson (15th), McCaughn, McLendon, McMahan, Parker, Parks, Seymour, Sparks, Suber, Tate, Whaley, Younger

***Title:*** AN ACT TO ENACT "CARLY'S LAW; TO CREATE NEW SECTION 45-33-63, MISSISSIPPI CODE OF 1972, TO PROHIBIT FUTURE CONTACT WITH THE CRIME VICTIM BY A CONVICTED SEX OFFENDER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Blackwell, Branning, Carter, Caughman, DeBar, DeLano, Jackson (15th), McCaughn, McLendon, McMahan, Parker, Parks, Seymour, Sparks, Suber, Tate, Whaley, Younger

To: Judiciary, Division B

SENATE BILL NO. 2009
(As Passed the Senate)

AN ACT TO ENACT "CARLY'S LAW; TO CREATE NEW SECTION 45-33-63, MISSISSIPPI CODE OF 1972, TO PROHIBIT FUTURE CONTACT WITH THE CRIME VICTIM BY A CONVICTED SEX OFFENDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** The following shall be codified as Section 45-33-63, Mississippi Code of 1972:

45-33-63. (1) Except as otherwise provided in this section, it is unlawful for a person required to register as a sex offender under Section 45-33-25 to do or commit any of the following actions with respect to the victim of the offense triggering the duty to register under this chapter:

(a) Threaten, visit, assault, molest, abuse, injure, or otherwise interfere with the victim;

(b) Follow the victim, including at the victim's workplace;

(c) Harass the victim;

(d) Contact the victim by telephone, written communication, or electronic means;

(e) Enter or remain present at the victim's residence, school, or place of employment when the victim is present.

(2) This section does not apply if the court in which the conviction was had, at the request of the victim or the parent, guardian or conservator of the victim, enters an order allowing contact with the victim. The court may enter such an order if the court determines that reasonable grounds for the victim to fear any future contact with the defendant no longer exist.

(3) A violation of this section is a felony punishable by a fine of not more than Five Thousand Dollars ($5,000.00) and imprisonment in the custody of the Department of Corrections for not less than five (5) nor more than ten (10) years.

(4) A law enforcement officer shall arrest and take into custody a person, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated this section.

(5) Nothing in this section shall be construed to affect the issuance or enforcement of a criminal sexual assault protection against a defendant who has been convicted under Section 97-3-65 or 97-3-95.

(6) This section shall be known as Carly's Law.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2117

**Description:** Occupational licensing boards; require prompt licensure and temporary practice permits for certain military applicants.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/20 | (S) Referred To Veterans and Military Affairs |
| 2 | 02/18 | (S) Title Suff Do Pass Comm Sub |
| 3 | 03/09 | (S) Committee Substitute Adopted |
| 4 | 03/09 | (S) Passed {Vote} |
| 5 | 03/10 | (S) Transmitted To House |
| 6 | 03/17 | (H) Referred To Military Affairs |
| 7 | 06/09 | (H) Title Suff Do Pass As Amended |
| 8 | 06/12 | (H) Amended |
| 9 | 06/12 | (H) Passed As Amended {Vote} |
| 10 | 06/16 | (H) Returned For Concurrence |
| 11 | 06/18 | (S) Concurred in Amend From House {Vote} |
| 12 | 06/23 | (S) Enrolled Bill Signed |
| 13 | 06/23 | (H) Enrolled Bill Signed |
| 14 | 06/29 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2117

**Code Section:** A 073-0050-0001

**----- Additional Information -----**

***Senate Committee:*** Veterans and Military Affairs
***House Committee:*** Military Affairs

***Principal Author:*** Younger
***Additional Authors:*** Hill

***Title:*** AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS APPLICABLE TO THE ISSUANCE OF OCCUPATIONAL LICENSES TO APPLICANTS WHO ARE MEMBERS OF THE MILITARY OR MARRIED TO OR DEPENDENTS OF MEMBERS OF THE MILITARY, TO MAKE IT EASIER AND FASTER FOR THOSE APPLICANTS TO RECEIVE OCCUPATIONAL LICENSES IN MISSISSIPPI; TO PROVIDE THAT THIS SECTION SHALL BE KNOWN AS THE "MILITARY FAMILY FREEDOM ACT"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Younger, Hill

To: Veterans and Military Affairs

SENATE BILL NO. 2117
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-50-1, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS APPLICABLE TO THE ISSUANCE OF OCCUPATIONAL LICENSES TO APPLICANTS WHO ARE MEMBERS OF THE MILITARY OR MARRIED TO OR DEPENDENTS OF MEMBERS OF THE MILITARY, TO MAKE IT EASIER AND FASTER FOR THOSE APPLICANTS TO RECEIVE OCCUPATIONAL LICENSES IN MISSISSIPPI; TO PROVIDE THAT THIS SECTION SHALL BE KNOWN AS THE "MILITARY FAMILY FREEDOM ACT"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-50-1, Mississippi Code of 1972, is amended as follows:

73-50-1. (1) This section shall be known as the "Military Family Freedom Act."

( * * *2) As used in this section, the term:

(a) "License" means any license (other than a privilege license), certificate, registration or other evidence of qualification that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) "Occupational licensing board" means any state board, commission, department or other agency in Mississippi that

is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses. For the purposes of this section, the State Department of Education shall be considered an occupational licensing board when issuing teacher licenses under Section 37-3-2.

(c) "Military" means the Armed Forces or Reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

( * * *3) Notwithstanding any other provision of law, an occupational licensing board shall issue a license * * * to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(a) The applicant has been awarded a military occupational specialty * * *, completed a military program of training, completed testing or equivalent training and experience * * *, and performed in the occupational specialty * * *; or

(b) The applicant holds a current and valid license in another state in an occupation with a similar scope of practice, as determined by the occupational licensing board in Mississippi

and has * * * held this license * * * from the occupational licensing board in * * * the other state for at least * * * one (1) year; and

(c) The applicant has not committed any act in * * * the other state that would have constituted grounds for refusal, suspension or revocation of a license to practice that occupation in * * * Mississippi at the time the act was committed * * *, the occupational licensing board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by the occupational licensing board in Mississippi under Mississippi law; and

(d) The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and

(e) The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and

( * * *f) The applicant pays * * * all applicable fees * * * in Mississippi.

( * * *4) * * * Notwithstanding any other law, the occupational licensing board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:

(a) * * * The applicant worked in a state that does not use a license to regulate a lawful occupation, but Mississippi uses a license to regulate a lawful occupation with a similar scope of practice, as determined by the occupational licensing board;

(b) * * * The applicant worked for at least three (3) years in the lawful occupation; and

(c) * * * The applicant satisfies the provisions of paragraphs (c) through (f) of subsection (3) of this section.

* * *

(5) * * * An occupational licensing board may require an applicant to pass a jurisprudential examination specific to relevant state laws in Mississippi that regulate the occupation if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statutes and administrative rules in Mississippi that regulate the occupation.

(6) * * * The occupational licensing board shall issue or deny the license to the applicant within one hundred twenty days (120) days after receiving an application.

If the application requires longer than two (2) weeks to process, the occupational licensing board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of subsection (3)(a) or subsection (3)(b) of this section and subsection (3)(c) through (e) and pays all applicable fees as required by subsection (3)(f), or satisfies the provisions of subsection (4)(a) through (c) and pays all applicable fees as required by subsection (3)(f).

The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by the occupational licensing board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure in subsection (5), if applicable.

(7) * * * (a) The applicant may appeal any of the following decisions of an occupational licensing board to a court of general jurisdiction:

(i) Denial of a license;

(ii) Determination of the occupation;

(iii) Determination of the similarity of the scope of practice of the license issued; or

(iv) Other determinations under this section.

(b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an occupational licensing board, without regard to any previous determination that may have been made on the question in any action before the occupational licensing board.

(8) An occupational licensing board shall prominently print the following on all license applications, any communication denying a license, and on the board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize occupational licenses obtained from other states for military members and their families." An occupational licensing board shall prepare and place on the board's website an annual report detailing the number of applications submitted to the licensing board under this section during a calendar year and the actions taken by the board on the applications.

( * * *9) An occupational licensing board shall adopt rules necessary to implement this section by January 1, * * * 2021. In addition, an occupational licensing board shall make all reasonable efforts to issue a license to an applicant for a license under this section.

( * * *10) Nothing in this section shall be construed to prohibit a military * * * applicant * * *, spouse or dependent from proceeding under the existing licensure * * * requirements established by an occupational licensing board in * * * Mississippi.

(11) Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

( * * *12) Nothing in this section shall be construed to apply to the practice of law as regulated under Section 73-3-1 et seq.

* * *

(13) This section preempts any ordinances of any municipality, county and other political subdivisions of the State of Mississippi that regulate licenses.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2125

**Description:** Veterans Forms DD 214 and NGB-22; provide for recordation by chancery clerk.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/23 | (S) Referred To Veterans and Military Affairs |
| 2 | 02/18 | (S) Title Suff Do Pass |
| 3 | 03/09 | (S) Passed {Vote} |
| 4 | 03/09 | (S) Motion to Reconsider Entered |
| 5 | 03/13 | (S) Motion to Reconsider Tabled |
| 6 | 03/13 | (S) Transmitted To House |
| 7 | 03/25 | (H) Referred To Military Affairs |
| 8 | 05/29 | (H) Title Suff Do Pass As Amended |
| 9 | 06/11 | (H) Amended |
| 10 | 06/11 | (H) Passed As Amended {Vote} |
| 11 | 06/12 | (H) Returned For Concurrence |
| 12 | 06/18 | (S) Concurred in Amend From House {Vote} |
| 13 | 06/23 | (S) Enrolled Bill Signed |
| 14 | 06/23 | (H) Enrolled Bill Signed |
| 15 | 06/29 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2125

**Code Section:** A 035-0003-0013

**----- Additional Information -----**

***Senate Committee:*** Veterans and Military Affairs
***House Committee:*** Military Affairs

***Principal Author:*** Barnett
***Additional Authors:*** Hill

***Title:*** AN ACT TO AMEND SECTION 35-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RECORDATION WITHOUT CHARGE OF ANY VETERANS FORM DD-214 WITH THE CHANCERY CLERK, TO PROVIDE THAT SUCH FORM IS NOT A PUBLIC RECORD AND TO AUTHORIZE COPIES TO BE MADE ONLY ON THE REQUEST OF THE VETERAN OR HIS IMMEDIATE FAMILY; TO AUTHORIZE THE RECORDATION WITHOUT CHARGE OF ANY VETERANS FORM NGB-22 WITH THE CHANCERY CLERK, TO PROVIDE THAT SUCH FORM IS NOT A PUBLIC RECORD AND TO AUTHORIZE COPIES TO BE MADE ONLY ON THE REQUEST OF THE VETERAN, A DEPENDENT OR AUTHORIZED REPRESENTATIVE; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI SB 2125

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2020

By: Senator(s) Barnett, Hill

To: Veterans and Military Affairs

SENATE BILL NO. 2125
(As Sent to Governor)

AN ACT TO AMEND SECTION 35-3-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RECORDATION WITHOUT CHARGE OF ANY VETERANS FORM DD-214 WITH THE CHANCERY CLERK, TO PROVIDE THAT SUCH FORM IS NOT A PUBLIC RECORD AND TO AUTHORIZE COPIES TO BE MADE ONLY ON THE REQUEST OF THE VETERAN OR HIS IMMEDIATE FAMILY; TO AUTHORIZE THE RECORDATION WITHOUT CHARGE OF ANY VETERANS FORM NGB-22 WITH THE CHANCERY CLERK, TO PROVIDE THAT SUCH FORM IS NOT A PUBLIC RECORD AND TO AUTHORIZE COPIES TO BE MADE ONLY ON THE REQUEST OF THE VETERAN, A DEPENDENT OR AUTHORIZED REPRESENTATIVE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 35-3-13, Mississippi Code of 1972, is amended as follows:

35-3-13. (1) All chancery clerks, of all counties of the State of Mississippi, shall record, without any cost whatsoever to any person of the Armed Forces of the United States residing in the same county as the chancery clerk, all honorable discharges and all certificates of service of any and all members of the Armed Forces of the United States of America who have served in the Armed Forces of the United States, including the army, navy and marine, coast guard and nurses corps.

(2) The board of supervisors of all counties shall furnish to the chancery clerk all necessary supplies and equipment for the recording of these instruments, and allow out of the general fund of the county the sum of One Dollar ($1.00) for recording the discharge certificate. All certified copies will be furnished free without cost either to the soldier, sailor, marine, coast guardsman, nurse or the county.

(3) The chancery clerk of all counties shall keep a record of all honorable discharges and certificates of discharge in a separate record safeguarded and protected from theft, and definitely marked "Record of Discharged Members of the Armed Forces." The chancery clerk shall furnish certified copies of the discharge or discharge certificate of any veteran when so requested by the veteran, his dependents or his authorized representative; however, before furnishing any copy of the discharge or discharge certificate, the chancery clerk must verify the identity and relationship to the veteran of the person requesting the copy and must obtain and maintain on file a signed consent for the release of information from the veteran, dependent or authorized representative.

(4) (a) The chancery clerk of all counties shall keep a record of all veterans Form DD-214 in a separate record safeguarded and protected from theft, and marked "Record of Veterans Service Form DD-214 Members of the Armed Forces." The chancery clerk shall record the form without charge and shall

furnish certified copies of the Form DD-214 without charge when so requested by the veteran, his dependents or his authorized representative. The Form DD-214 record is not a public record under the public records law, and before furnishing any copy of the form, the chancery clerk shall verify the identity and relationship to the veteran of the person requesting the copy and obtain and maintain in the file a signed consent for the release of information from the veteran, dependent or authorized representative. The chancery clerk shall prepare and provide a form for use by the veteran, dependent or authorized representative to provide such consent for the release of information from the veteran, dependent or authorized representative.

(b) The chancery clerk of all counties shall keep a record of all veterans Form NGB-22 in a separate record safeguarded and protected from theft, and marked "Record of Veterans Service Form NGB-22 Members of the Armed Forces." The chancery clerk shall record the form without charge and shall furnish certified copies of the Form NGB-22 without charge when so requested by the veteran, his dependents or his authorized representative. The Form NGB-22 record is not a public record under the public records law, and before furnishing any copy of the form, the chancery clerk shall verify the identity and relationship to the veteran of the person requesting the copy and obtain and maintain in the file a signed consent for the release

of information from the veteran, dependent or authorized representative. The chancery clerk shall prepare and provide a form for use by the veteran, dependent or authorized representative to provide such consent for the release of information from the veteran, dependent or authorized representative.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2194

**Description:** Mississippi Telephone Solicitation Act; extend repealer on statute providing for the deposit of fees into the State General Fund.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 01/29 | (S) | Referred To Energy; Appropriations |
| 2 | 02/26 | (S) | DR - TSDPCS: EN To AP |
| 3 | 02/27 | (S) | Title Suff Do Pass Comm Sub |
| 4 | 03/05 | (S) | Committee Substitute Adopted |
| 5 | 03/05 | (S) | Passed {Vote} |
| 6 | 03/06 | (S) | Transmitted To House |
| 7 | 03/13 | (H) | Referred To Energy; Appropriations |
| 8 | 05/28 | (H) | DR - TSDP: EN To AP |
| 9 | 06/02 | (H) | DR - TSDPAA: AP To EN |
| 10 | 06/09 | (H) | Title Suff Do Pass As Amended |
| 11 | 06/16 | (H) | Read the Third Time |
| 12 | 06/17 | (H) | Amended |
| 13 | 06/17 | (H) | Passed As Amended {Vote} |
| 14 | 06/18 | (H) | Returned For Concurrence |
| 15 | 06/19 | (S) | Decline to Concur/Invite Conf |
| 16 | 06/22 | (S) | Conferees Named Carter,Hopson,Barnett |
| 17 | 06/23 | (H) | Conferees Named Powell,Hale,Bounds |
| 18 | 06/27 | (S) | Conference Report Filed |
| 19 | 06/27 | (H) | Conference Report Filed |
| 20 | 06/28 | (H) | Conference Report Adopted {Vote} |
| 21 | 06/29 | (S) | Conference Report Adopted {Vote} |
| 22 | 07/02 | (S) | Enrolled Bill Signed |
| 23 | 07/02 | (H) | Enrolled Bill Signed |
| 24 | 07/08 | | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2194

Conference Reports:
| Conference Report

**Code Section:** A 077-0003-0721

**----- Additional Information -----**

***Senate Committee:*** Energy, Appropriations
***House Committee:*** Energy, Appropriations

***Principal Author:*** Carter
***Additional Authors:*** Jackson (11th)

***Title:*** AN ACT TO AMEND SECTION 77-3-721, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE SECTION OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT THAT PROVIDES FOR THE DEPOSIT OF FEES INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Carter, Jackson (11th) To: Energy; Appropriations

SENATE BILL NO. 2194
(As Sent to Governor)

AN ACT TO AMEND SECTION 77-3-721, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE SECTION OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT THAT PROVIDES FOR THE DEPOSIT OF FEES INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 77-3-721, Mississippi Code of 1972, is amended as follows:

77-3-721. All fees collected under the provisions of this article shall be deposited into a special fund which is created in the State Treasury to be expended by the commission for the implementation and administration of this article. From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.

This section shall stand repealed July 1, * * * 2021.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2225

**Description:** Disabled veteran with service-connected disability; clarify procedure for concealed weapons permit.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 01/31 | (S) | Referred To Veterans and Military Affairs; Judiciary, Division B |
| 2 | 02/18 | (S) | DR - TSDP: VM To JB |
| 3 | 02/26 | (S) | Title Suff Do Pass |
| 4 | 03/10 | (S) | Passed {Vote} |
| 5 | 03/11 | (S) | Transmitted To House |
| 6 | 03/25 | (H) | Referred To Military Affairs; Judiciary B |
| 7 | 05/29 | (H) | DR - TSDP: MA To JB |
| 8 | 06/02 | (H) | DR - TSDPAA: JB To MA |
| 9 | 06/09 | (H) | Title Suff Do Pass As Amended |
| 10 | 06/16 | (H) | Amended |
| 11 | 06/16 | (H) | Passed As Amended {Vote} |
| 12 | 06/17 | (H) | Returned For Concurrence |
| 13 | 06/18 | (S) | Concurred in Amend From House {Vote} |
| 14 | 06/23 | (S) | Enrolled Bill Signed |
| 15 | 06/23 | (H) | Enrolled Bill Signed |
| 16 | 06/29 | | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2225

**Code Section:** A 045-0009-0101

**----- Additional Information -----**

***Senate Committee:*** Veterans and Military Affairs, Judiciary, Division B
***House Committee:*** Military Affairs, Judiciary B

***Principal Author:*** Seymour
***Additional Authors:*** Hill, Jackson (11th), McMahan, Chism, Sparks, Branning

***Title:*** AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DISABLED VETERAN SHALL ONLY BE REQUIRED TO PROVIDE A UNITED STATES DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES IDENTIFICATION CARD IN ORDER TO OBTAIN A CONCEALED WEAPONS PERMIT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Seymour, Hill, Jackson (11th), McMahan, Chism, Sparks, Branning

To: Veterans and Military Affairs; Judiciary, Division B

SENATE BILL NO. 2225
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DISABLED VETERAN SHALL ONLY BE REQUIRED TO PROVIDE A UNITED STATES DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES IDENTIFICATION CARD IN ORDER TO OBTAIN A CONCEALED WEAPONS PERMIT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display

both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the

processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the

Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and

failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983,

and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with

the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer or light wine is consumed on the

premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply

to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) that the license

itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide * * * a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or

federal law, and is not in a location prohibited under subsection (13) of this section.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2253

**Description:** Alcoholic beverages; revise definition of qualified resort area, revise provisions regarding certain permits and sales.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 01/31 | (S) Referred To Finance |
| 2 | 02/25 | (S) Title Suff Do Pass |
| 3 | 03/10 | (S) Passed {Vote} |
| 4 | 03/11 | (S) Transmitted To House |
| 5 | 03/25 | (H) Referred To Ways and Means |
| 6 | 06/09 | (H) Title Suff Do Pass As Amended |
| 7 | 06/10 | (H) Amended |
| 8 | 06/10 | (H) Passed As Amended {Vote} |
| 9 | 06/11 | (H) Motion to Reconsider Entered (Hood, Lamar, Steverson) |
| 10 | 06/16 | (H) Reconsidered |
| 11 | 06/16 | (H) Amended |
| 12 | 06/16 | (H) Passed As Amended {Vote} |
| 13 | 06/17 | (H) Returned For Concurrence |
| 14 | 06/19 | (S) Decline to Concur/Invite Conf |
| 15 | 06/22 | (S) Conferees Named Harkins,Doty,Parks |
| 16 | 06/23 | (H) Conferees Named Lamar,Steverson,Massengill |
| 17 | 06/26 | (S) Conference Report Filed |
| 18 | 06/26 | (H) Conference Report Filed |
| 19 | 06/27 | (S) Conference Report Adopted {Vote} |
| 20 | 06/28 | (H) Conference Report Adopted {Vote} |
| 21 | 07/02 | (S) Enrolled Bill Signed |
| 22 | 07/02 | (H) Enrolled Bill Signed |
| 23 | 07/08 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2253
Conference Reports:
| Conference Report

**Code Section:** A 067-0001-0005, A 067-0001-0007, A 067-0001-0037, A 067-0001-0016, A 067-0001-0077, A 067-0001-0051

**----- Additional Information -----**

***Senate Committee:*** Finance
***House Committee:*** Ways and Means

***Principal Author:*** Parks

***Title:*** AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-7, MISSISSIPPI CODE OF 1972, TO ALLOW THE GOVERNING AUTHORITIES FOR CERTAIN RESORT AREAS TO PROVIDE, BY ORDINANCE OR RESOLUTION, THAT PACKAGE RETAILER'S PERMITS MAY BE ISSUED IN THE APPLICABLE RESORT AREAS AND THAT ALCOHOLIC BEVERAGES MAY BE RECEIVED, STORED, SOLD, POSSESSED AND DISTRIBUTED IN ACCORDANCE WITH SUCH PERMITS; TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO DELETE THE PROHIBITION AGAINST THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT ANY PUBLIC ATHLETIC EVENT AT ANY PUBLIC SCHOOL, COMMUNITY OR JUNIOR COLLEGE, COLLEGE OR UNIVERSITY; TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTION TO BE HELD BEFORE CERTAIN MUNICIPALITIES MAY BE DESIGNATED A QUALIFIED RESORT AREA UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-77, MISSISSIPPI CODE OF 1972, TO ALLOW THE HOLDER OF A MANUFACTURER'S PERMIT IN A CERTAIN LOCATION TO HAVE A FINANCIAL INTEREST IN A PREMISES UPON WHICH ALCOHOLIC BEVERAGES ARE SOLD AT RETAIL; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO ALLOW THE HOLDER OF AN ON-PREMISES RETAILER'S PERMIT TO SELL ONE BOTTLE OF WINE TO BE REMOVED FROM THE LICENSED PREMISES FOR EVERY TWO ENTREES ORDERED AS PART OF A CARRY-OUT ORDER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Parks To: Finance

SENATE BILL NO. 2253
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-7, MISSISSIPPI CODE OF 1972, TO ALLOW THE GOVERNING AUTHORITIES FOR CERTAIN RESORT AREAS TO PROVIDE, BY ORDINANCE OR RESOLUTION, THAT PACKAGE RETAILER'S PERMITS MAY BE ISSUED IN THE APPLICABLE RESORT AREAS AND THAT ALCOHOLIC BEVERAGES MAY BE RECEIVED, STORED, SOLD, POSSESSED AND DISTRIBUTED IN ACCORDANCE WITH SUCH PERMITS; TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO DELETE THE PROHIBITION AGAINST THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT ANY PUBLIC ATHLETIC EVENT AT ANY PUBLIC SCHOOL, COMMUNITY OR JUNIOR COLLEGE, COLLEGE OR UNIVERSITY; TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO REQUIRE AN ELECTION TO BE HELD BEFORE CERTAIN MUNICIPALITIES MAY BE DESIGNATED A QUALIFIED RESORT AREA UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-77, MISSISSIPPI CODE OF 1972, TO ALLOW THE HOLDER OF A MANUFACTURER'S PERMIT IN A CERTAIN LOCATION TO HAVE A FINANCIAL INTEREST IN A PREMISES UPON WHICH ALCOHOLIC BEVERAGES ARE SOLD AT RETAIL; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO ALLOW THE HOLDER OF AN ON-PREMISES RETAILER'S PERMIT TO SELL ONE BOTTLE OF WINE TO BE REMOVED FROM THE LICENSED PREMISES FOR EVERY TWO ENTREES ORDERED AS PART OF A CARRY-OUT ORDER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 67-1-5, Mississippi Code of 1972, as amended by House Bill 917, 2020 Regular Session, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than four percent (4%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no

place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

(ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of

its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.

(o) "Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner,

the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course * * *, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;

3. Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

5. Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;

6. Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages;

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:

A. Owned by the Pearl River Valley Water Supply District, and/or

B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward

Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of this item 8, may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,

b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:

a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,

b. Used for the purpose of providing meals and hosting events, and

c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:

a. Consist of at least eight thousand (8,000) square feet being heated and cooled,

b. For a fee is used to host events,

c. Is used for the purpose of culinary arts courses, and/or outdoor recreation and leadership courses;

13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed and which land is located:

a. In a county that has voted to come out from under the dry law,

b. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

c. Within one (1) mile of a state institution of higher learning * * *;

16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law;

17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi;

18. Land that is owned by a state institution of higher learning and:

a. Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7, and

b. Adjacent to but outside the incorporated limits of a municipality that has elected by majority

vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9.

If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;

19. Any facility and related property:

a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and

b. Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law;

20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:

a. A county traversed by Interstate 55 and Interstate 20, and

b. A judicial district that has not voted to come out from under the dry law;

21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located.

22. A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84.

23. Any tracts of land in Oktibbeha County, situated east of Mississippi Boulevard, north of Coliseum Boulevard and east of Montgomery Hill Road, and not located on the property of a state institution of higher learning.

The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in subparagraph (iii)

of this paragraph (o) as qualified resort areas does not require any declaration of same by the department.

(p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.

(q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.

(r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum

number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

**SECTION 2.** Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, possession and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. Except as otherwise provided in Section 67-1-51 for holders of a caterer's permit, the manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in

(a) incorporated municipalities located within such counties, (b) qualified resort areas within such counties approved as such by the State Tax Commission, or (c) clubs within such counties, whether within a municipality or not. The manufacture, sale, distribution and possession of native wines shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the * * * department.

(2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the * * * department, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises. Moreover, the governing authorities of a municipality in which a qualified resort area defined under Section 67-1-5(o)(iii)5, 7 or 21 is located, the Pearl River Valley Water Supply District Board which governs the qualified resort area defined under Section 67-1-5(o)(iii)8(a), and the board of supervisors of the county in

which the qualified resort area defined under Section 67-1-5(o)(iii)(b) and (c) is located, may, by ordinance or resolution, provide that package retailer's permits may be issued in the applicable qualified resort area, and that it shall be lawful to receive, store, sell, possess and distribute alcoholic beverages in accordance with such package retailer's permits.

**SECTION 3.** Section 67-1-37, Mississippi Code of 1972, is amended as follows:

67-1-37. The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties:

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the

reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control.

(c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this chapter.

(d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages.

(e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages.

(f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure.

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school, community or junior college, college or university.

(h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this chapter or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this chapter or any other statute, including the native wine laws.

(i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties.

(j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official

acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session.

(k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein.

(l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

(m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale.

(n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this chapter as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board.

(o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49.

(p) To delegate its authority under this chapter to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate.

* * *

**SECTION 4.** Section 67-1-16, Mississippi Code of 1972, is amended as follows:

67-1-16. (1) (a) Before an area may be designated by the governing authorities of a municipality as an area in which facilities which are defined as qualified resort areas in Section 67-1-5(o)(iii)5 may be located, an election shall be held, under the election laws applicable to the municipality, on the question of whether qualified resort areas shall be allowed in the municipality. An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election

shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) Qualified resort areas may be established if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(2) (a) Before a municipality may be designated as a qualified resort area as defined in Section 67-1-5(o)(iii)6, an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be

established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(3) (a) Before an area may be designated a qualified resort area as defined in Section 67-1-5(o)(iii)7, an election shall be held in the municipality in which the area is located under the election laws applicable to the municipality, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(4) (a) Before an area may be designated a qualified resort area as defined in Section 67-1-5(o)(iii)8, an election shall be held in the area described in Section 67-1-5(o)(iii)8 under the election laws applicable to counties, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the board of supervisors, upon presentation to the board of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the area described in Section 67-1-5(o)(iii)8 asking for the election. An election

on the question may not be held by the county more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the area, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(5) (a) Before a municipality may be designated as a qualified resort area as defined in Section 67-1-5(o)(iii)21, an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities. An election on the question

may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

**SECTION 5.** Section 67-1-77, Mississippi Code of 1972, is amended as follows:

67-1-77. (1) It shall be unlawful for the holder of a manufacturer's or wholesaler's permit, or anyone connected with the business of such holder, or for any other distiller, wine manufacturer, rectifier, blender or bottler, to have any financial interest in any premises upon which any alcoholic beverage is sold

at retail by any permittee, or in the business conducted by such permittee, except that:

(a) The holder of a manufacturer's or wholesaler's permit may contract for the service of a representative in the area of governmental affairs on a part-time basis with a holder of an on-premises permit.

(b) A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in a premises upon which alcoholic beverages are sold at retail by a permittee, or in the business conducted by a permittee, if the permittee does not sell or serve any alcoholic beverages that are distilled, manufactured, rectified, blended or bottled by the distiller, wine manufacturer, rectifier, blender or bottler having the financial interest in the premises or in the business conducted by a permittee.

(c) A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit.

(d) The holder of a manufacturer's permit which is located adjacent to the Mississippi Museum of Art and is bordered by Court Street, Farish Street, South Street and Town Creek may have a financial interest in a premises upon which alcoholic beverages are sold at retail.

(2) It shall also be unlawful for any such person, or anyone connected with his, its, or their business to lend any money or make any gift or offer any gratuity, to any retail permittee,

except as authorized by regulations of the commission, to the holder of any retail permit issued under the provisions of this chapter. Except as above provided, no retail permittee shall accept, receive, or make use of any money or gift furnished by any such person, or become indebted to such person except for the purchase of alcoholic beverages.

(3) The commission shall not prohibit the furnishing of advertising specialties, printed materials, or other things having nominal value to a retail permittee. This section shall not be construed to prohibit the possession by any person of advertising specialties, printed materials, or other things having nominal value furnished by a retail permittee.

(4) Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

**SECTION 6.** Section 67-1-51, Mississippi Code of 1972, as amended by House Bill 917, 2020 Regular Session, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to

manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell exclusively to the department.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from

the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carry-out order, a permit holder may sell one (1) bottle of wine

to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his

employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the

department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.

A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine, light spirit product or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the

serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale, distribution and possession of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued

under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic

beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is

exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate

shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer, light spirit product or light wine sales or any fee which may be construed to cover the cost of alcohol, beer, light spirit product or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county

in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50)

passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the

holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or

the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit

and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2273

**Description:** Design-build Method of Contracting; extend repealer for use by State Port Authority and authorize any port.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/07 | (S) Referred To Judiciary, Division A |
| 2 | 02/18 | (S) Title Suff Do Pass |
| 3 | 03/04 | (S) Passed {Vote} |
| 4 | 03/05 | (S) Transmitted To House |
| 5 | 03/17 | (H) Referred To Judiciary A |
| 6 | 06/03 | (H) Title Suff Do Pass As Amended |
| 7 | 06/11 | (H) Amended |
| 8 | 06/11 | (H) Passed As Amended {Vote} |
| 9 | 06/12 | (H) Returned For Concurrence |
| 10 | 06/17 | (S) Concurred in Amend From House {Vote} |
| 11 | 06/23 | (S) Enrolled Bill Signed |
| 12 | 06/23 | (H) Enrolled Bill Signed |
| 13 | 06/29 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2273

**Code Section:** A 059-0005-0037

**----- Additional Information -----**

***Senate Committee:*** Judiciary, Division A
***House Committee:*** Judiciary A

***Principal Author:*** Moran
***Additional Authors:*** DeLano, Carter, Thompson

***Title:*** AN ACT TO AMEND SECTION 59-5-37, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISION WHICH AUTHORIZES THE STATE PORT AUTHORITY AT GULFPORT TO USE THE DESIGN-BUILD

METHOD OF CONTRACTING FOR CERTAIN PURPOSES; TO AUTHORIZE ANY PORT OR PORT COMMISSION TO USE THE DESIGN-BUILD METHOD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Moran, DeLano, Carter, Thompson

To: Judiciary, Division A

SENATE BILL NO. 2273
(As Sent to Governor)

AN ACT TO AMEND SECTION 59-5-37, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE PROVISION WHICH AUTHORIZES THE STATE PORT AUTHORITY AT GULFPORT TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR CERTAIN PURPOSES; TO AUTHORIZE ANY PORT OR PORT COMMISSION TO USE THE DESIGN-BUILD METHOD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 59-5-37, Mississippi Code of 1972, is amended as follows:

59-5-37. (1) The board or State Port Authority, in the performance of its duties, may employ such personnel and make all contracts and purchases incidental to or necessary for the advancement, promotion, development, establishment, insurance, maintenance, repair, improvement and operation of any ports, harbors, rivers, channels and waterways including, if required for its protection, retirement benefits, workers' compensation insurance and other employee benefits for the benefit of any employees of the board or State Port Authority. The board or State Port Authority may establish a trade development and promotion account to pay all direct and necessary expenses for the

promotion and development of the state port. The authority is granted the power to sue and be sued in its own name.

(2) (a) The board or State Port Authority may, in its discretion, make such contracts or purchases according to the state purchasing laws. Contracts let for any port, harbor, river, channel or waterway improvements shall be advertised as required by law for the letting of public contracts, and such contracts shall be awarded to the lowest and best bidder who shall make bond as shall be required by the board or State Port Authority conditioned for the faithful prosecution and completion of work according to such contracts, such bond to be furnished by a corporate surety company qualified to do business in this state. However, the board may negotiate and enter into contracts with responsible lessees for the construction of facilities by lessees, such as those referred to in Section 59-5-11, and the acquisition thereof by the board upon such terms and conditions and for such amount as may be approved by the board.

(b) The State Port Authority shall be considered to be a "governing authority" under the state public purchasing laws as that term is defined in Section 31-7-1 and used in Sections 31-7-1 through 31-7-73, and shall not be subject to the jurisdiction of the Department of Finance and Administration, the Public Procurement Review Board or the Bureau of Building, Grounds and Real Property Management under the provisions of Sections 27-104-7, 29-5-2 and 31-11-3.

(3) (a) The board or State Port Authority, in its discretion, may use the design-build method of contracting for the renovation, repair and/or making of other improvements to not more than one (1) freezer and related equipment and/or facilities at the State Port at Gulfport, Mississippi. Notwithstanding any other provision of law to the contrary, any port or port commission may use the design-build method of contracting for the renovation, repair and/or making of other improvements to equipment and/or facilities at the port. For the purposes of this subsection (3), the term "design-build method of contracting" means a contract that combines the design and construction phases of a project into a single contract and the contractor is required to satisfactorily perform, at a minimum, both the design and construction of the project.

(b) This subsection (3) shall stand repealed from and after July 1, * * * 2024.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2277

**Description:** Mississippi Board of Mental Health; authorize to sell certain state-owned real property located in Meridian, Lauderdale County.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/07 | (S) Referred To Public Property; Finance |
| 2 | 02/25 | (S) DR - TSDP: PP To FI |
| 3 | 02/27 | (S) Title Suff Do Pass |
| 4 | 03/04 | (S) Passed {Vote} |
| 5 | 03/05 | (S) Transmitted To House |
| 6 | 03/17 | (H) Referred To Public Property |
| 7 | 05/28 | (H) Title Suff Do Pass As Amended |
| 8 | 06/02 | (H) Amended |
| 9 | 06/02 | (H) Passed As Amended {Vote} |
| 10 | 06/03 | (H) Returned For Concurrence |
| 11 | 06/17 | (S) Concurred in Amend From House {Vote} |
| 12 | 06/18 | (S) Motion to Reconsider Entered |
| 13 | 06/19 | (S) Reconsidered |
| 14 | 06/19 | (S) Decline to Concur/Invite Conf |
| 15 | 06/22 | (S) Conferees Named Turner-Ford,Tate,Blount |
| 16 | 06/22 | (H) Conferees Named Weathersby,Holloway,Newman |
| 17 | 06/26 | (S) Conference Report Filed |
| 18 | 06/26 | (H) Conference Report Filed |
| 19 | 06/28 | (H) Conference Report Adopted {Vote} |
| 20 | 06/29 | (S) Conference Report Adopted {Vote} |
| 21 | 07/02 | (S) Enrolled Bill Signed |
| 22 | 07/02 | (H) Enrolled Bill Signed |
| 23 | 07/08 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2277

Conference Reports:
Conference Report

**----- Additional Information -----**

***Senate Committee:*** Public Property, Finance
***House Committee:*** Public Property

***Principal Author:*** Jackson (32nd)
***Additional Authors:*** Tate

***Title:*** AN ACT TO AUTHORIZE THE MISSISSIPPI BOARD OF MENTAL HEALTH, ACTING ON BEHALF OF AND THROUGH THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, TO SELL CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENT THEREON, WHICH SERVED AS THE FORMER OLD FRIENDSHIP CENTER PROPERTY, LOCATED IN THE CITY OF MERIDIAN, LAUDERDALE COUNTY, MISSISSIPPI; TO AUTHORIZE THE BOARD OF SUPERVISORS OF TALLAHATCHIE COUNTY, MISSISSIPPI, TO RECONVEY TO THE ORIGINAL GRANTOR, A CERTAIN PARCEL OF REAL PROPERTY ORIGINALLY CONVEYED TO THE COUNTY IN 2009 THROUGH EXECUTION OF A WARRANTY DEED BY B&S PLANTING COMPANY, INC., LYING AND SITUATED IN THE SECOND JUDICIAL DISTRICT OF TALLAHATCHIE COUNTY, MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Jackson (32nd), Tate To: Public Property; Finance

SENATE BILL NO. 2277
(As Sent to Governor)

AN ACT TO AUTHORIZE THE MISSISSIPPI BOARD OF MENTAL HEALTH, ACTING ON BEHALF OF AND THROUGH THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH, TO SELL CERTAIN STATE-OWNED REAL PROPERTY AND ANY IMPROVEMENT THEREON, WHICH SERVED AS THE FORMER OLD FRIENDSHIP CENTER PROPERTY, LOCATED IN THE CITY OF MERIDIAN, LAUDERDALE COUNTY, MISSISSIPPI; TO AUTHORIZE THE BOARD OF SUPERVISORS OF TALLAHATCHIE COUNTY, MISSISSIPPI, TO RECONVEY TO THE ORIGINAL GRANTOR, A CERTAIN PARCEL OF REAL PROPERTY ORIGINALLY CONVEYED TO THE COUNTY IN 2009 THROUGH EXECUTION OF A WARRANTY DEED BY B&S PLANTING COMPANY, INC., LYING AND SITUATED IN THE SECOND JUDICIAL DISTRICT OF TALLAHATCHIE COUNTY, MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) The Mississippi Board of Mental Health, acting on behalf of and through the Mississippi Department of Mental Health, is authorized to sell certain state-owned real property and any improvements thereon, which served as the former Old Friendship Center located in the City of Meridian, Lauderdale County, Mississippi, such property being more particularly described as follows:

Lots 1, 2, 3, and 4 in Block 8, Section 13, Township 6, Range 15 of Gallagher's (addition) Survey; recorded

in Book 2294, page 65 of the records in the office of the Chancery Clerk of Lauderdale County, Mississippi.

(2) The real property and any improvements thereon described under subsection (1) of this section shall be sold for not less than the fair market value as determined by the average of at least two (2) appraisals by qualified appraisers, one (1) of which shall be selected by the Department of Finance and Administration, and both of whom shall be certified and licensed by the Mississippi Real Estate Appraiser Licensing and Certification Board.

(3) All monies derived from the sale of the property described in subsection (1) of this section shall be deposited into a special fund created in the State Treasury for the use and benefit of the East Central State Hospital. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on the amounts remaining in the special fund shall be deposited to the credit of the special fund.

(4) The Department of Finance and Administration may correct any discrepancies in the legal description provided in this section.

(5) The State of Mississippi shall retain all mineral rights to the property sold under this section.

**SECTION 2.** (1) Notwithstanding any other provision of law to the contrary, the Tallahatchie County Board of Supervisors is

authorized to reconvey and transfer, back to the original grantor, a certain piece of real property, and all rights, title and interest therein, which was conveyed to Tallahatchie County through a warranty deed and valuable consideration of Ten Dollars ($10.00) by B&S Planting Company, Inc., a Mississippi Corporation, lying and being situated in the Second Judicial District of Tallahatchie County, Mississippi, such property being more particularly described as follows:

A parcel of land containing 1.10 acres located in the N/W 1/4 of the S/W 1/4 of Section 14, Township-23-North, Range-1-West, Second Judicial District, Tallahatchie County, Mississippi and being more particularly described as follows:

Commencing at a found fence post accepted at the N/E Corner of said Section 14; then run South for 3,397.74 feet and then West for 4,585.44 feet to an iron bar set on the easterly right-of-way of River Road, said bar being the POINT OF BEGINNING; then, leaving said right-of-way, run South 87 Degrees 03 Minutes 04 Seconds East for 204.01 feet to a set iron bar; then run South 05 Degrees 15 Minutes 00 Seconds East for 88.62 feet to a set iron bar; then run South 08 Degrees 13 Minutes 06 Seconds East for 159.49 feet to a set iron bar; then run South 81 Degrees 34 Minutes 10 Seconds West for 141.50 feet to an iron bar set on said right-of-way; then run, along said right-of-way, North 26 Degrees 56 Minutes 09

Seconds West for 112.80 feet to an iron bar set at a point of curvature; then continue along said right-of-way, along a curve to the Right bearing North 15 Degrees 26 Minutes 52 Seconds West, having a Delta Angle of 12 Degrees 08 Minutes 45 Seconds and a Radius of 618.78 feet for a distance of 131.17 feet to a set iron bar; then continue along said right-of-way, North 09 Degrees 46 Minutes 06 Seconds West for 51.33 feet to the POINT OF BEGINNING.

LESS AND EXCEPT a parcel of land containing 296 Square Feet and further described as follows:

Commencing at said N/E Corner of said Section 14; then run South 3,462.59 feet and then West for 4,422.30 feet to a found fence corner; then run North 86 Degrees 10 Minutes 22 Seconds East for 23.57 feet to a found fence corner; then run South 08 Degrees 48 Minutes 37 Seconds East for 12.61 feet to a found fence corner; then run South 86 Degrees 10 Minutes 22 Seconds West for 23.57 feet to a found fence corner; then run North 08 Degrees 48 Minutes 37 Seconds West for 12.61 feet to the POINT OF BEGINNING.

(2) The real property described in subsection (1) of this section shall be conveyed upon such terms and conditions as deemed necessary and proper by the Board of Supervisors of Tallahatchie County, and recorded upon its minutes.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2279

**Description:** State offenders serving sentences in county jails; extend repealer on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/07 | (S) | Referred To Corrections; Judiciary, Division B |
| 2 | 02/25 | (S) | DR - TSDP: CR To JB |
| 3 | 03/03 | (S) | Title Suff Do Pass |
| 4 | 03/06 | (S) | Passed {Vote} |
| 5 | 03/09 | (S) | Transmitted To House |
| 6 | 03/25 | (H) | Referred To Corrections |
| 7 | 06/03 | (H) | Title Suff Do Pass As Amended |
| 8 | 06/11 | (H) | Amended |
| 9 | 06/11 | (H) | Passed As Amended {Vote} |
| 10 | 06/12 | (H) | Returned For Concurrence |
| 11 | 06/16 | (S) | Decline to Concur/Invite Conf |
| 12 | 06/23 | (S) | Conferees Named Barnett,McCaughn,Sparks |
| 13 | 06/22 | (H) | Conferees Named Horan,Bain,Roberson |
| 14 | 06/27 | (S) | Conference Report Filed |
| 15 | 06/27 | (H) | Conference Report Filed |
| 16 | 06/29 | (H) | Conference Report Adopted {Vote} |
| 17 | 06/29 | (S) | Conference Report Adopted {Vote} |
| 18 | 07/02 | (S) | Enrolled Bill Signed |
| 19 | 07/02 | (H) | Enrolled Bill Signed |
| 20 | 07/08 | | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2279

Conference Reports:
Conference Report

**Code Section:** R 047-0005-0901, R 047-0005-0903, R 047-0005-0905, R 047-0005-0907, R 047-0005-0909, A 047-0005-0911

**----- Additional Information -----**

***Senate Committee:*** Corrections, Judiciary, Division B
***House Committee:*** Corrections

***Principal Author:*** Barnett
***Additional Authors:*** Jackson (11th), Jordan

***Title:*** AN ACT TO REENACT SECTIONS 47-5-901 THROUGH 47-5-909, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CONDITIONS UNDER WHICH STATE OFFENDERS MAY SERVE SENTENCES IN COUNTY JAILS; TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THOSE REENACTED CODE SECTIONS FROM JULY 1, 2020, TO JULY 1, 2024; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Barnett, Jackson (11th), Jordan

To: Corrections; Judiciary, Division B

SENATE BILL NO. 2279

AN ACT TO REENACT SECTIONS 47-5-901 THROUGH 47-5-909, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CONDITIONS UNDER WHICH STATE OFFENDERS MAY SERVE SENTENCES IN COUNTY JAILS; TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THOSE REENACTED CODE SECTIONS FROM JULY 1, 2020, TO JULY 1, 2024; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 47-5-901, Mississippi Code of 1972, is reenacted as follows:

47-5-901. (1) Any person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court and subject to the other conditions of this subsection, may serve all or any part of his sentence in the county jail of the county wherein such person was convicted if the Commissioner of Corrections determines that physical space is not available for confinement of such person in the state correctional institutions. Such determination shall be promptly made by the Department of Corrections upon receipt of notice of the conviction of such person. The commissioner shall certify in writing that space is not available to the sheriff or other

officer having custody of the person. Any person serving his sentence in a county jail shall be classified in accordance with Section 47-5-905.

(2) If state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the Department of Corrections shall determine the cost for food and medical attention for such prisoners. The cost of feeding and housing offenders confined in such county jails shall be based on actual costs or contract price per prisoner. In order to maximize the potential use of county jail space, the Department of Corrections is encouraged to negotiate a reasonable per day cost per prisoner, which in no event may exceed Twenty Dollars ($20.00) per day per offender.

(3) (a) Upon vouchers submitted by the board of supervisors of any county housing persons due to lack of space at state institutions, the Department of Corrections shall pay to such county, out of any available funds, the actual cost of food, or contract price per prisoner, not to exceed Twenty Dollars ($20.00) per day per offender, as determined under subsection (2) of this section for each day an offender is so confined beginning the day that the Department of Corrections receives a certified copy of the sentencing order and will terminate on the date on which the offender is released or otherwise removed from the custody of the county jail. The department, or its contracted medical provider, will pay to a provider of a medical service for any and all

incarcerated persons from a correctional or detention facility an amount based upon negotiated fees as agreed to by the medical care service providers and the department and/or its contracted medical provider. In the absence of negotiated discounted fee schedule, medical care service providers will be paid by the department, or its contracted medical service provider, an amount no greater than the reimbursement rate applicable based on the Mississippi Medicaid reimbursement rate. The board of supervisors of any county shall not be liable for any cost associated with medical attention for prisoners who are pretrial detainees or for prisoners who have been convicted that exceeds the Mississippi Medicaid reimbursement rate or the reimbursement provided by the Department of Corrections, whichever is greater. This limitation applies to all medical care services, durable and nondurable goods, prescription drugs and medications. Such payment shall be placed in the county general fund and shall be expended only for food and medical attention for such persons.

(b) Upon vouchers submitted by the board of supervisors of any county housing offenders in county jails pending a probation or parole revocation hearing, the department shall pay the reimbursement costs provided in paragraph (a).

(c) If the probation or parole of an offender is revoked, the additional cost of housing the offender pending the revocation hearing shall be assessed as part of the offender's court cost and shall be remitted to the department.

(4) A person, on order of the sentencing court, may serve not more than twenty-four (24) months of his sentence in a county jail if the person is classified in accordance with Section 47-5-905 and the county jail is an approved county jail for housing state inmates under federal court order. The sheriff of the county shall have the right to petition the Commissioner of Corrections to remove the inmate from the county jail. The county shall be reimbursed in accordance with subsection (2) of this section.

(5) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(6) This section does not create in the Department of Corrections, or its employees or agents, any new liability, express or implied, nor shall it create in the Department of Corrections any administrative authority or responsibility for the construction, funding, administration or operation of county or other local jails or other places of confinement which are not staffed and operated on a full-time basis by the Department of Corrections. The correctional system under the jurisdiction of the Department of Corrections shall include only those facilities fully staffed by the Department of Corrections and operated by it on a full-time basis.

(7) An offender returned to a county for post-conviction proceedings shall be subject to the provisions of Section 99-19-42 and the county shall not receive the per-day allotment for such offender after the time prescribed for returning the offender to the Department of Corrections as provided in Section 99-19-42.

**SECTION 2.** Section 47-5-903, Mississippi Code of 1972, is reenacted as follows:

47-5-903. (1) A person committed, sentenced or otherwise placed under the custody of the Department of Corrections, on order of the sentencing court, may serve his sentence in the county jail of the county where convicted if all of the following conditions are complied with:

(a) The person must be classified in accordance with Section 47-5-905;

(b) The person must not be classified as in need of close supervision;

(c) The sheriff of the county where the person will serve his sentence must request in writing that the person be allowed to serve his sentence in that county jail;

(d) After the person is classified and returned to the county, the county shall assume the full and complete responsibility for the care and expenses of housing such person; and

(e) The county jail must be an approved county jail for housing state inmates under federal court order.

(2) This section does not apply to inmates housed in county jails due to lack of space at state correctional facilities. The department shall not reimburse the county for the expense of housing an inmate under this section.

(3) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(4) The state, the Department of Corrections, and its employees or agents, shall not be liable to any person or entity for an inmate held in a county jail under this section.

**SECTION 3.** Section 47-5-905, Mississippi Code of 1972, is reenacted as follows:

47-5-905. (1) All persons placed under the custody of the Department of Corrections shall be processed at a reception and diagnostic center of the Department of Corrections and then be assigned to an appropriate correctional facility for a complete and thorough classification, not to exceed ninety (90) days, unless the department determines that a person can be properly processed and classified at the county jail in accordance with the department's classification plan.

(2) The Department of Corrections shall develop a plan for the processing and classification of inmates in county jails and shall implement the plan by January 1, 1993.

**SECTION 4.** Section 47-5-907, Mississippi Code of 1972, is reenacted as follows:

47-5-907. The sheriff of any county in this state shall have the right to petition the Commissioner of the Department of Corrections to remove a state inmate from the county jail in such county to the State Penitentiary. The commissioner shall remove such inmate from such county jail if the sheriff of such county sets forth just cause in his petition indicating why an inmate should be removed from such county jail to the State Penitentiary.

Just cause is established if such sheriff can sufficiently prove that such inmate has a dangerous behavior or sufficiently prove that there is no available or suitable medical facility where such inmate can be provided suitable medical services. The commissioner shall respond in writing to the petition no later than thirty (30) days after the receipt of such petition. If the petition to remove such inmate is denied by the commissioner, such sheriff and his agents shall have from the date of denial absolute immunity from liability for any injury resulting from subsequent behavior or from medical consequences regarding such inmate, provided that such injury resulted from conditions which were set forth in such petition.

**SECTION 5.** Section 47-5-909, Mississippi Code of 1972, is reenacted as follows:

47-5-909. It is the policy of the Legislature that all inmates be removed from county jails as early as practicable.

Sections 47-5-901 through 47-5-907 are temporary measures to help alleviate the immediate operating capacity limitations at correctional facilities and are not permanent measures to be included in the long-term operating capacity of the correctional system.

**SECTION 6.** Section 47-5-911, Mississippi Code of 1972, is amended as follows:

47-5-911. Sections 47-5-901 through 47-5-911 shall stand repealed on July 1, * * * 2024.

**SECTION 7.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2288

**Description:** Distinctive motor vehicle license tags; authorize for various purposes.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* Passage

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/07 | (S) Referred To Finance |
| 2 | 02/18 | (S) Title Suff Do Pass |
| 3 | 03/04 | (S) Amended |
| 4 | 03/04 | (S) Passed As Amended {Vote} |
| 5 | 03/06 | (S) Transmitted To House |
| 6 | 03/13 | (H) Referred To Ways and Means |
| 7 | 06/09 | (H) Title Suff Do Pass As Amended |
| 8 | 06/10 | (H) Amended |
| 9 | 06/10 | (H) Passed As Amended {Vote} |
| 10 | 06/11 | (H) Returned For Concurrence |
| 11 | 06/16 | (S) Decline to Concur/Invite Conf |
| 12 | 06/22 | (S) Conferees Named Harkins,Fillingane,Thomas |
| 13 | 06/23 | (H) Conferees Named Lamar,Steverson,Massengill |
| 14 | 06/27 | (S) Conference Report Filed |
| 15 | 06/27 | (H) Conference Report Filed |
| 16 | 06/28 | (H) Conference Report Adopted {Vote} |
| 17 | 06/28 | (H) Reconsidered |
| 18 | 06/28 | (H) Recommitted For Further Conf |
| 19 | 06/29 | (S) Recommitted For Further Conf |
| 20 | 06/29 | (S) Conference Report Filed |
| 21 | 06/29 | (H) Conference Report Filed |
| 22 | 06/29 | (H) Conference Report Adopted {Vote} |
| 23 | 06/30 | (S) Conference Report Adopted {Vote} |
| 24 | 07/02 | (S) Enrolled Bill Signed |
| 25 | 07/02 | (H) Enrolled Bill Signed |
| 26 | 07/08 | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2288
Conference Reports:
| Conference Report
| Conference Report # 2

**Code Section:** A 027-0019-0056.306, A 027-0019-0056.308, A 027-0019-0056.310, A 027-0019-0056.311, A 027-0019-0056.331, A 027-0019-0056.369, A 027-0019-0056.400, A 027-0019-0056.430, A 027-0019-0056.431, A 027-0019-0056.480, A 027-0019-0056.371, A 027-0019-0056.425, A 027-0019-0056.90, A 027-0019-0056.67, A 027-0019-0056.377, A 027-0019-0056, A 027-0019-0056.12, A 027-0019-0056.62, A 027-0019-0056.85, A 027-0019-0056.125, A 027-0019-0056.162, A 027-0019-0056.186, A 027-0019-0056.187, A 027-0019-0056.199, A 027-0019-0056.450, A 027-0019-0044, A 027-0051-0041

**----- Additional Information -----**

***Senate Committee:*** Finance
***House Committee:*** Ways and Means

***Principal Author:*** Harkins
***Additional Authors:*** Jackson (11th)

***Title:*** AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS AND SERVED IN THE UNITED STATES ARMED FORCES DURING THE COLD WAR; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO FIRST RESPONDERS WHO HAVE BEEN INJURED IN THE LINE OF DUTY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR ATTORNEYS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE ROBOTICS ALLIANCE OF MISSISSIPPI, THE TUPELO CHILDREN'S MANSION, EXCEL BY 5, CAMP SUNSHINE, EV MISSISSIPPI, SUNFLOWER COUNTY MINISTERIAL ALLIANCE COUNSELING SERVICES (SCMACS), INC., THE MISSISSIPPI LUPUS FOUNDATION, BOGUE CHITTO STRONG MONUMENT, LOUISIANA STATE UNIVERSITY 2019 NATIONAL CHAMPIONS, THOMAS E. EDWARDS HIGH SCHOOL (FORMERLY RULEVILLE CENTRAL HIGH SCHOOL), LEWISBURG HIGH SCHOOL, THE FORMER UTICA HIGH SCHOOL, THE FORMER HINDS AGRICULTURAL HIGH SCHOOL, THE FORMER UTICA JUNIOR COLLEGE, WALNUT HIGH SCHOOL, FALKNER HIGH SCHOOL, RIPLEY HIGH SCHOOL, PINE GROVE HIGH SCHOOL, BLUE MOUNTAIN HIGH SCHOOL, CHALYBEATE SCHOOL, EAST UNION SCHOOL, WEST UNION SCHOOL, INGOMAR SCHOOL, MYRTLE SCHOOL, THE BRUCE TROJANS, THE CALHOUN CITY WILDCATS, THE VARDAMAN RAMS AND THE NEW ALBANY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI WILDLIFE, FISHERIES AND PARKS FOUNDATION, AND

TO LIMIT THE TOTAL NUMBER OF SUCH DISTINCTIVE TAGS TO 150; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE, BOAT TRAILER AND UTILITY TRAILER LICENSE TAGS TO SUPPORTERS OF MISSISSIPPI STATE PARKS; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO CREATE NEW CODE SECTIONS 27-19-56.40 AND 27-19-56.140, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF KNIGHTS OF COLUMBUS AND OF VETERANS OF THE UNITED STATES ARMED FORCES, RESPECTIVELY; TO CREATE NEW CODE SECTION 27-19-56.205, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS DISPLAYING THE HEROINES OF JERICHO EMBLEM; TO AMEND SECTIONS 27-19-56.306, 27-19-56.308, 27-19-56.310, 27-19-56.311, 27-19-56.331, 27-19-56.369, 27-19-56.400, 27-19-56.430, 27-19-56.431 AND 27-19-56.480, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF KOSSUTH HIGH SCHOOL, CORINTH HIGH SCHOOL, ALCORN CENTRAL HIGH SCHOOL, BIGGERSVILLE HIGH SCHOOL, THE PALMER HOME FOR CHILDREN, THE PASS CHRISTIAN SCHOOL DISTRICT, MURRAH HIGH SCHOOL, THE MURRAH HIGH SCHOOL ALUMNI ASSOCIATION, THE MISSISSIPPI SICKLE CELL FOUNDATION AND THE MARTY WILSON FOUNDATION ONE GULF ONE GOAL, RESPECTIVELY; TO AMEND SECTION 27-19-56.371, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS, TO REAUTHORIZE THE ISSUANCE OF THE DISTINCTIVE MOTOR VEHICLE LICENSE TAGS, REVISE THE PERSONS TO WHICH THE LICENSE TAGS MAY BE ISSUED AND REVISE THE DISTRIBUTION OF THE FEES COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS; TO AMEND SECTION 27-19-56.425, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE GENTRY HIGH SCHOOL MIGHTY RAMS AND REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF THE DISTINCTIVE LICENSE TAGS; TO AMEND SECTION 27-19-56.90, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE NATIONAL RIFLE ASSOCIATION OF AMERICA, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE BOAT TRAILER AND UTILITY TRAILER LICENSE TAGS TO SUCH PERSONS; TO AMEND SECTIONS 27-19-56.67 AND 27-19-56.377, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO MEMBERS OF OMEGA PSI PHI FRATERNITY AND TO SUPPORTERS OF MISSISSIPPI MOTOSTEPS MOTORCYCLE SAFETY TRAINING, RESPECTIVELY, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO SUCH PERSONS; TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON WHO IS ISSUED A GRAND LODGE OF MISSISSIPPI, FREE AND ACCEPTED MASONS, DISTINCTIVE MOTOR VEHICLE

OR MOTORCYCLE LICENSE TAG AND ALSO HAS A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK OR HAS A CHILD, PARENT OR SPOUSE WITH A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK MAY BE ISSUED A SPECIAL DECAL INDICATING SUCH DISABILITY; TO CREATE A NEW SECTION OF LAW TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS OF THE UNITED STATES ARMED FORCES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE RECIPIENTS OF THE BRONZE STAR; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED IN THE VIETNAM CONFLICT AND WERE AWARDED A VIETNAM SERVICE RIBBON; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO PERSONS WHO ARE VETERANS OF THE UNITED STATES ARMED FORCES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE GOLD STAR MOTOR VEHICLE LICENSE TAGS TO FAMILY MEMBERS OF SERVICE MEMBERS WHO HAVE DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES WHILE THE UNITED STATES WAS ENGAGED IN HOSTILE ACTIVITIES OR A TIME OF WAR AND TO PROVIDE THAT ONE GOLD STAR LICENSE TAG ISSUED TO THE MOTHER OF THE SERVICE MEMBER WHO WAS KILLED AND ONE GOLD STAR LICENSE TAG ISSUED TO THE SPOUSE OF THE SERVICE MEMBER WHO WAS KILLED SHALL BE EXEMPT FROM AD VALOREM TAXES, PRIVILEGE TAXES AND ALL OTHER TAXES AND FEES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE IRAQ VETERANS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE AFGHANISTAN VETERANS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE RECIPIENTS OF THE NAVY AND MARINE CORPS MEDAL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE COMBAT VETERANS; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH DISTINCTIVE MOTOR VEHICLE LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTIONS 27-19-56.12, 27-19-56.62, 27-19-56.85, 27-19-56.125, 27-19-56.162, 27-19-56.186, 27-19-56.187, 27-19-56.199, 27-19-56.450, 27-19-44 AND 27-51-41, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI TROTTING ASSOCIATION AND POPLARVILLE HIGH SCHOOL; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins, Jackson (11th) To: Finance

SENATE BILL NO. 2288
(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS AND SERVED IN THE UNITED STATES ARMED FORCES DURING THE COLD WAR; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO FIRST RESPONDERS WHO HAVE BEEN INJURED IN THE LINE OF DUTY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS FOR ATTORNEYS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE ROBOTICS ALLIANCE OF MISSISSIPPI, THE TUPELO CHILDREN'S MANSION, EXCEL BY 5, CAMP SUNSHINE, EV MISSISSIPPI, SUNFLOWER COUNTY MINISTERIAL ALLIANCE COUNSELING SERVICES (SCMACS), INC., THE MISSISSIPPI LUPUS FOUNDATION, BOGUE CHITTO STRONG MONUMENT, LOUISIANA STATE UNIVERSITY 2019 NATIONAL CHAMPIONS, THOMAS E. EDWARDS HIGH SCHOOL (FORMERLY RULEVILLE CENTRAL HIGH SCHOOL), LEWISBURG HIGH SCHOOL, THE FORMER UTICA HIGH SCHOOL, THE FORMER HINDS AGRICULTURAL HIGH SCHOOL, THE FORMER UTICA JUNIOR COLLEGE, WALNUT HIGH SCHOOL, FALKNER HIGH SCHOOL, RIPLEY HIGH SCHOOL, PINE GROVE HIGH SCHOOL, BLUE MOUNTAIN HIGH SCHOOL, CHALYBEATE SCHOOL, EAST UNION SCHOOL, WEST UNION SCHOOL, INGOMAR SCHOOL, MYRTLE SCHOOL, THE BRUCE TROJANS, THE CALHOUN CITY WILDCATS, THE VARDAMAN RAMS AND THE NEW ALBANY SCHOOL DISTRICT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI WILDLIFE, FISHERIES AND PARKS FOUNDATION, AND TO LIMIT THE TOTAL NUMBER OF SUCH DISTINCTIVE TAGS TO 150; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE, BOAT TRAILER AND UTILITY TRAILER LICENSE TAGS TO SUPPORTERS OF MISSISSIPPI STATE PARKS; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO CREATE NEW CODE SECTIONS 27-19-56.40 AND 27-19-56.140, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF KNIGHTS OF COLUMBUS AND OF VETERANS OF THE UNITED STATES ARMED FORCES, RESPECTIVELY; TO CREATE NEW CODE SECTION 27-19-56.205, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE

TAGS DISPLAYING THE HEROINES OF JERICHO EMBLEM; TO AMEND SECTIONS 27-19-56.306, 27-19-56.308, 27-19-56.310, 27-19-56.311, 27-19-56.331, 27-19-56.369, 27-19-56.400, 27-19-56.430, 27-19-56.431 AND 27-19-56.480, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF KOSSUTH HIGH SCHOOL, CORINTH HIGH SCHOOL, ALCORN CENTRAL HIGH SCHOOL, BIGGERSVILLE HIGH SCHOOL, THE PALMER HOME FOR CHILDREN, THE PASS CHRISTIAN SCHOOL DISTRICT, MURRAH HIGH SCHOOL, THE MURRAH HIGH SCHOOL ALUMNI ASSOCIATION, THE MISSISSIPPI SICKLE CELL FOUNDATION AND THE MARTY WILSON FOUNDATION ONE GULF ONE GOAL, RESPECTIVELY; TO AMEND SECTION 27-19-56.371, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS, TO REAUTHORIZE THE ISSUANCE OF THE DISTINCTIVE MOTOR VEHICLE LICENSE TAGS, REVISE THE PERSONS TO WHICH THE LICENSE TAGS MAY BE ISSUED AND REVISE THE DISTRIBUTION OF THE FEES COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS; TO AMEND SECTION 27-19-56.425, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE GENTRY HIGH SCHOOL MIGHTY RAMS AND REVISE THE DISTRIBUTION OF FEES COLLECTED FROM THE ISSUANCE OF THE DISTINCTIVE LICENSE TAGS; TO AMEND SECTION 27-19-56.90, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE NATIONAL RIFLE ASSOCIATION OF AMERICA, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE BOAT TRAILER AND UTILITY TRAILER LICENSE TAGS TO SUCH PERSONS; TO AMEND SECTIONS 27-19-56.67 AND 27-19-56.377, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO MEMBERS OF OMEGA PSI PHI FRATERNITY AND TO SUPPORTERS OF MISSISSIPPI MOTOSTEPS MOTORCYCLE SAFETY TRAINING, RESPECTIVELY, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO SUCH PERSONS; TO AMEND SECTION 27-19-56, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PERSON WHO IS ISSUED A GRAND LODGE OF MISSISSIPPI, FREE AND ACCEPTED MASONS, DISTINCTIVE MOTOR VEHICLE OR MOTORCYCLE LICENSE TAG AND ALSO HAS A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK OR HAS A CHILD, PARENT OR SPOUSE WITH A DISABILITY WHICH LIMITS OR IMPAIRS THE ABILITY TO WALK MAY BE ISSUED A SPECIAL DECAL INDICATING SUCH DISABILITY; TO CREATE A NEW SECTION OF LAW TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS OF THE UNITED STATES ARMED FORCES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE RECIPIENTS OF THE BRONZE STAR; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED IN THE VIETNAM CONFLICT AND WERE AWARDED A VIETNAM SERVICE RIBBON; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO PERSONS WHO ARE VETERANS OF THE UNITED STATES ARMED FORCES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE GOLD STAR MOTOR VEHICLE LICENSE TAGS TO FAMILY MEMBERS OF SERVICE MEMBERS WHO HAVE DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED

FORCES OF THE UNITED STATES WHILE THE UNITED STATES WAS ENGAGED IN HOSTILE ACTIVITIES OR A TIME OF WAR AND TO PROVIDE THAT ONE GOLD STAR LICENSE TAG ISSUED TO THE MOTHER OF THE SERVICE MEMBER WHO WAS KILLED AND ONE GOLD STAR LICENSE TAG ISSUED TO THE SPOUSE OF THE SERVICE MEMBER WHO WAS KILLED SHALL BE EXEMPT FROM AD VALOREM TAXES, PRIVILEGE TAXES AND ALL OTHER TAXES AND FEES; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE IRAQ VETERANS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE AFGHANISTAN VETERANS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE RECIPIENTS OF THE NAVY AND MARINE CORPS MEDAL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE COMBAT VETERANS; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH DISTINCTIVE MOTOR VEHICLE LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEES COLLECTED; TO AMEND SECTIONS 27-19-56.12, 27-19-56.62, 27-19-56.85, 27-19-56.125, 27-19-56.162, 27-19-56.186, 27-19-56.187, 27-19-56.199, 27-19-56.450, 27-19-44 AND 27-51-41, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE MISSISSIPPI TROTTING ASSOCIATION AND POPLARVILLE HIGH SCHOOL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** (1) In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces anytime between September 2, 1945, and December 26, 1991, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain a distinctive license tag for any motor vehicle registered in his or her name identifying such person as a Cold War veteran. The distinctive

license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the State Veterans Affairs Board, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. An applicant for such distinctive tags shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the State Veterans Affairs Board. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a

period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the State Veterans Affairs Board of this state for the benefit of the State Veterans Memorial Cemetery and veterans nursing homes in this state.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 2.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a first responder who has been injured in the line of duty. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of First Responders of Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. For the purposes of this section, the term "first responder" means (a) any law enforcement officer as defined in Section 45-2-21 or (b) any firefighter as defined in Section 45-2-21.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such a distinctive license tag shall present to the issuing official written proof verifying that the applicant is a first responder and has been injured in the line of duty as a first responder. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be

retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Law Enforcement Officers and Fire Fighters Disability Benefits Fund created in Section 45-2-21.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 3.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as an attorney. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Bar Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms

prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Twenty-five Dollars ($25.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Ten Dollars ($10.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Bar Association.

(b) Four Dollars ($4.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Legal Services.

(c) Four Dollars ($4.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Pike School of Art.

(d) Four Dollars ($4.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to South Mississippi Christian Outreach Ministries, Inc.

(e) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license

decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 4.** (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Robotics Alliance of Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the

Robotics Alliance of Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Robotics Alliance of Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 5.** (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup

trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Tupelo Children's Mansion. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Tupelo Children's Mansion, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. William Heard may provide the artwork for the distinctive license tags at no cost to the citizens, state or vendor.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all

other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Tupelo Children's Mansion.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 6.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Excel By 5. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Excel By 5, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount

of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Excel By 5, Inc., in Jackson, Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag, and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 7.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Camp Sunshine. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Camp Sunshine Executive Board and the Junior Auxiliary of McComb, Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Camp Sunshine.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag, and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 8.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of EV Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of EV Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms

prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to EV Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag, and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 9.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Sunflower County Ministerial Alliance Counseling Services (SCMACS), Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Sunflower County Ministerial Alliance Counseling Services (SCMACS), Inc., may prescribe and shall

consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Sunflower County Ministerial Alliance Counseling Services (SCMACS), Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 10.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor

vehicle registered in his name identifying such person as a supporter of the Mississippi Lupus Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Lupus Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license

tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Lupus Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 11.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as

prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Bogue Chitto Strong Monument. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Bogue Chitto Strong Monument, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all

other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Bogue Chitto Strong Monument.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 12.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Louisiana State University 2019 National Champions. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Louisiana State University, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Louisiana State University.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 13.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Thomas E. Edwards High School (formerly Ruleville Central High School). The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Thomas E. Edwards High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to North Yalobusha Charities, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 14.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Lewisburg High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Lewisburg High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Lewisburg High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 15.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the former Utica High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Utica High School

Alumni Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Utica High School Alumni Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 16.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of

an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the former Hinds Agricultural High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Hinds Agricultural High School Alumni Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established

license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Hinds Agricultural High School Alumni Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 17.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the former Utica Junior College. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Hinds Agricultural High School Alumni Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Hinds Agricultural High School Alumni Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 18.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Walnut High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Walnut High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Walnut High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 19.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Falkner High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Falkner High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms

prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Falkner High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 20.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Ripley High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Ripley High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Ripley High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 21.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Pine Grove High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Pine Grove High

School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Pine Grove High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways..

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 22.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor

vehicle registered in his name identifying such person as a supporter of Blue Mountain High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Blue Mountain High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license

tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Blue Mountain High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 23.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as

prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Chalybeate School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Chalybeate School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a

period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Chalybeate School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 24.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of East Union School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of East Union School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount

of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to East Union School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 25.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of West Union School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of West Union School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to West Union School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 26.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Ingomar School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Ingomar School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis

as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Ingomar School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 27.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Myrtle School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Myrtle School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms

prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Myrtle School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 28.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Bruce Trojans. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Calhoun County School District, may prescribe and shall consist of such

letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Bruce High School.

(b) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Bruce Elementary School.

(c) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(d) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(e) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 29.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of

an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Calhoun City Wildcats. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Calhoun County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established

license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Calhoun City High School.

(b) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Calhoun City Elementary School.

(c) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(d) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(e) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 30.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Vardaman Rams. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the Calhoun County School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Vardaman High School.

(b) Twelve Dollars ($12.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Vardaman Elementary School.

(c) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(d) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(e) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 31.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the New Albany School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Superintendent of the New Albany School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the New Albany School District.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 32.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Wildlife, Fisheries and Parks Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the

advice of the Mississippi Wildlife, Fisheries and Parks Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. The total number of license tags prepared under this section shall not exceed one hundred fifty (150). The Mississippi Wildlife, Fisheries and Parks Foundation may designate the distinctive license tags to be issued to selected motor vehicle owners.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Wildlife, Fisheries and Parks Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 33.** (1) Any owner of a motor vehicle, or of a boat trailer or utility trailer of a gross weight of ten thousand (10,000) pounds or less, who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, or for trailers, as the case may be, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle or trailer registered in his name identifying such person as a supporter of Mississippi State Parks. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Department of Wildlife, Fisheries and Parks, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty Dollars ($20.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Park Fund created in Section 55-3-41.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Six Dollars ($6.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag, and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 34.** The following shall be codified as Section 27-19-56.40, Mississippi Code of 1972:

27-19-56.40. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Knights of Columbus. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Knights of Columbus, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Knights of Columbus of Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag issued under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit in the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 35.** The following shall be codified as Section 27-19-56.140, Mississippi Code of 1972:

27-19-56.140. (1) Any owner of a motor vehicle, who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be issued a special license tag for each motor vehicle registered in his name identifying such person as a supporter of Veterans of the United States Armed Forces. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the concurrence of the Mississippi Veterans Affairs, may prescribe.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of a fund administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans nursing homes and cemeteries.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under

this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed proportionately in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 36.** The following shall be codified as Section 27-19-56.205, Mississippi Code of 1972:

27-19-56.205. (1) Any owner of a motor vehicle who is a member of the John L. Webb Grand High Court, Heroines of Jericho, Prince Hall Affiliated, operating under the M.W. Stringer Grand Lodge, Free and Accepted Masons, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes,

ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be entitled to a special license tag which displays the Heroines of Jericho emblem. The distinctive license tag so issued shall display the words "John L. Webb Grand High Court" and shall be of such color and design as the Department of Revenue, with the advice of the Officers of the John L. Webb Grand High Court, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official documentation from the John L. Webb Grand High Court, Heroines of Jericho, Prince Hall Affiliated as prescribed by the Department of Revenue showing their membership in the John L. Webb Grand High Court, Heroines of Jericho, Prince Hall Affiliated. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited in a special fund hereby created in the State Treasury to the credit of the John L. Webb Grand High Court, Heroines of Jericho, Prince Hall Affiliated. The funds shall be

available for expenditure at the discretion of the John L. Webb Grand High Court.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 37.** Section 27-19-56.306, Mississippi Code of 1972, is amended as follows:

27-19-56.306. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Kossuth High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Kossuth High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Kossuth High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 38.** Section 27-19-56.308, Mississippi Code of 1972, is amended as follows:

27-19-56.308. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor

vehicle registered in his name identifying such person as a supporter of Corinth High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Corinth High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Corinth High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 39.** Section 27-19-56.310, Mississippi Code of 1972, is amended as follows:

27-19-56.310. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle

who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Alcorn Central High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Alcorn Central High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied

for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Alcorn Central High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 40.** Section 27-19-56.311, Mississippi Code of 1972, is amended as follows:

27-19-56.311. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Biggersville High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Biggersville High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector,

shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Biggersville High School.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 41.** Section 27-19-56.331, Mississippi Code of 1972, is amended as follows:

27-19-56.331. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Palmer Home for Children. The distinctive

license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Palmer Home for Children, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Palmer Home for Children.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 42.** Section 27-19-56.369, Mississippi Code of 1972, is amended as follows:

27-19-56.369. (1) Beginning with any registration year commencing on or after July 1, * * * 2020, any owner of a motor

vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Pass Christian School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Pass Christian School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for

under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Pass Christian School District.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, * * * 2023.

**SECTION 43.** Section 27-19-56.400, Mississippi Code of 1972, is amended as follows:

27-19-56.400. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Murrah High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Murrah High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the

additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Murrah High School for support of the school's athletics program.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 44.** Section 27-19-56.430, Mississippi Code of 1972, is amended as follows:

27-19-56.430. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Murrah High School Alumni Association. The

distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Murrah High School Alumni Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Murrah High School Alumni Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 45.** Section 27-19-56.431, Mississippi Code of 1972, is amended as follows:

27-19-56.431. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Sickle Cell Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Sickle Cell Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Sickle Cell Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 46.** Section 27-19-56.480, Mississippi Code of 1972, is amended as follows:

27-19-56.480. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Marty Wilson Foundation One Gulf One Goal. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Marty Wilson Foundation One Gulf One Goal, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the

issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Marty Wilson Foundation One Gulf One Goal for use in its cobia release program.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license

decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 47.** Section 27-19-56.371, Mississippi Code of 1972, is amended as follows:

27-19-56.371. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as * * * an enrolled member or descendant of the Mississippi Band of Choctaw Indians. The distinctive license tags so issued shall display the word "Chahta" and shall be of such color and design as the Department of Revenue, with the advice of the * * * Mississippi Band of Choctaw Indians, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is an enrolled member or descendant of the Mississippi Band of Choctaw Indians by presenting (a) a Tribal Identification Card issued by the Mississippi Band of Choctaw Indians, (b) a Certificate of Degree of Indian Blood issued by the Mississippi Band of Choctaw Indians, or (c) a Non-Enrolled Member Certificate of Degree of Indian Blood issued by the Mississippi Band of Choctaw Indians. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion

of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the * * * Mississippi Band of Choctaw Indians.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2023.

**SECTION 48.** Section 27-19-56.425, Mississippi Code of 1972, is amended as follows:

27-19-56.425. (1) Beginning with any registration year commencing on or after July 1, 2020, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Gentry High School Mighty Rams. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Gentry High School, may prescribe and shall consist of such letters or

numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to * * * North Yalobusha Charities, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 49.** Section 27-19-56.90, Mississippi Code of 1972, is amended as follows:

27-19-56.90. (1) Any owner of a motor vehicle, or of a boat trailer or utility trailer of a gross weight of ten thousand (10,000) pounds or less, who is a resident of this state, upon complying with the * * * laws relating to registration and licensing of motor vehicles or trailers, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, or for

trailers, as the case may be, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be issued a special license tag for each motor vehicle or trailer registered in his name identifying such person as a supporter of the National Rifle Association of America. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the National Rifle Association of America, may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2004, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a

period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be disbursed to the NRA Foundation State Fund Account for Mississippi to be used for projects that qualify under Section 501(c)(3) of the Internal Revenue Service Code, including, but not restricted to, hunter education, firearms safety courses, marksmanship training and wildlife conservation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed proportionately in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 50.** Section 27-19-56.67, Mississippi Code of 1972, is amended as follows:

27-19-56.67. (1) Except as otherwise provided in this subsection (1), any owner of a motor vehicle or motorcycle, or both, who is a resident of this state and who is a member or supporter of Omega Psi Phi Fraternity, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle or motorcycle, or both, registered in his name identifying such person as a member or supporter of such organization. From and after July 1, 2004, only persons who are members of Omega Psi Phi Fraternity may apply for and receive a distinctive license tag authorized under this section. The distinctive license tags so issued shall display the Greek letters of the organization, shall be of such color and design as the * * * Department of Revenue may prescribe, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the * * * Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the * * * Department of Revenue on a monthly basis as prescribed by the * * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2002, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run * * * concurrently with the vehicle's or motorcycle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The * * * Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the * * * Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the State Chapter of Omega Psi Phi Fraternity.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi * * * Burn * * * Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 51.** Section 27-19-56.377, Mississippi Code of 1972, is amended as follows:

27-19-56.377. (1) Any owner of a motor vehicle or motorcycle, or both, who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle or motorcycle, or both,

registered in his name identifying such person as a supporter of Mississippi MoToSteps Motorcycle Safety Training. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Mississippi MoToSteps Motorcycle Safety Training, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2014, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's or motorcycle's established license tag year. The additional fee is due and payable at the time the original application is made for a

distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to MoToSteps Motorcycle Safety Training.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 52.** Section 27-19-56, Mississippi Code of 1972, is amended as follows:

27-19-56. (1) (a) Upon application by any legal resident of the State of Mississippi with a disability which limits or impairs the ability to walk, or by the owner of a motor vehicle who has a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the applicant, the Department of Revenue shall prepare and issue through the county tax collectors a special license plate bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled for not more than two (2) vehicles that are registered in the applicant's name. The initial application shall be accompanied by the certification of a licensed physician that (i) the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk; and (ii) that the physician has determined that the applicant or the applicant's child, parent or spouse will have the disability for at least five (5) years. The Department of Revenue shall prepare and issue to the tax collectors of the various counties, decals for placement on the special license plates. The decals shall bear thereon the month in which the license plate was issued and the year in which the special license plate will expire. The special license plate issued under this section is valid for the period of time that the license tag attached upon a motor vehicle is issued pursuant to Section 27-19-31(1). A person to whom the

special license plate is issued may retain the special license plate and may renew it by submitting to the county tax collector, on or before its expiration, the certification of a licensed physician that the physician has determined (i) that the applicant or the applicant's child, parent or spouse meets the definition of a person with a disability which limits or impairs the ability to walk; and (ii) that the applicant or the applicant's child, parent or spouse will have the disability for at least five (5) years. If an applicant fails to renew the special license plate before its date of expiration, then he or she shall surrender the special license plate to the county tax collector and the tax collector shall issue to such person a regular license plate to replace the special license plate.

(b) Upon application by any legal resident of the State of Mississippi who has a disabled American veteran plate or tag issued under Section 27-19-53 properly displayed on his vehicle and a disability which limits or impairs the ability to walk, the Department of Revenue shall prepare and issue through the county tax collectors a special decal bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled for not more than two (2) vehicles that are registered in the applicant's name and properly display the plate or tag issued under Section 27-19-53. The decal shall be affixed to the plate or tag issued under Section 27-19-53. The initial application shall be

accompanied by the certification of a licensed physician that (i) the applicant meets the definition of persons with disabilities which limit or impair the ability to walk; and (ii) that the physician has determined that the applicant will have the disability for at least five (5) years. The Department of Revenue shall prepare and issue to the tax collectors of the various counties, decals for placement on the plate or tag issued under Section 27-19-53. The decals shall bear thereon the month in which the license plate or tag was issued and the year in which the plate or tag will expire. The special decal is valid for the period of time that the license tag attached upon a motor vehicle is issued pursuant to Section 27-19-53. A person to whom the special decal is issued may retain the decal and may renew it by submitting to the county tax collector, on or before its expiration, the certification of a licensed physician that the physician has determined (i) that the applicant meets the definition of a person with a disability which limits or impairs the ability to walk; and (ii) that the applicant will have the disability for at least five (5) years. If an applicant fails to renew the special license plate decal before its date of expiration, then he shall surrender the decal to the county tax collector.

(c) Upon application by any legal resident of the State of Mississippi who has a license tag issued under Section 27-19-56.14 properly displayed on his vehicle and has a disability

which limits or impairs the ability to walk or has a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the applicant, the Department of Revenue shall prepare and issue through the county tax collectors a special decal bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled for not more than two (2) vehicles that are registered in the applicant's name and properly display a tag issued under Section 27-19-56.14. The decal shall be affixed to the tag issued under Section 27-19-56.14. The initial application shall be accompanied by the certification of a licensed physician that (i) the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk; and (ii) that the physician has determined that the applicant or the applicant's child, parent or spouse will have the disability for at least five (5) years. The special decal is valid for the period of time that the license tag attached upon a motor vehicle is issued pursuant to Section 27-19-56.14. A person to whom the special decal is issued may retain the decal and may renew it by submitting to the county tax collector, on or before its expiration, the certification of a licensed physician that the physician has determined (i) that the applicant or the applicant's child, parent or spouse meets the definition of a person with a disability which limits or impairs the ability to walk; and (ii)

that the applicant or the applicant's child, parent or spouse will have the disability for at least five (5) years. If an applicant fails to renew the special decal before its date of expiration, then he shall surrender the decal to the county tax collector.

( * * *d) (i) The terms "vehicle" and "motor vehicle," as used in this section, include motorcycles.

(ii) The term "persons with disabilities which limit or impair the ability to walk" when used in this section means those persons who, as determined by a licensed physician:

1. Cannot walk two hundred (200) feet without stopping to rest; or

2. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

3. Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; or

4. Use portable oxygen; or

5. Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or

6. Are severely limited in their ability to walk due to an arthritic, neurological or orthopedic condition.

( * * *e) An applicant for a special license plate or decal bearing the International Symbol of Access shall not be required to pay any fee or charge for the issuance of such license plate or decal separate from or in addition to the road and bridge privilege taxes, ad valorem taxes and registration fees otherwise required by law to be paid for the issuance of a regular license plate for such vehicle.

(2) The Department of Revenue shall prepare removable windshield placards and such placards shall be issued and periodically renewed upon the applications of persons with disabilities which limit or impair the ability to walk, or upon the applications of owners of motor vehicles who have a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the owner of the motor vehicle. The placards shall be issued, free of charge, to applicants through the offices of the tax collectors of the counties. The initial application shall be accompanied by the certification of a licensed physician that the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk. These placards shall be valid for the period of time that the license tag attached upon a motor vehicle is issued pursuant to Section 27-19-31(1) and may be renewed in the same manner as

provided for the renewal of the special license plates or decals under subsection (1) of this section. The removable windshield placard must be displayed on the left side of the vehicle dashboard or by hanging it on the rearview mirror of the vehicle. The Department of Revenue shall prescribe the placement for motorcycles.

(3) The Department of Revenue shall provide for the issuance of a temporary removable windshield placard, upon the application of a person with a disability which limits or impairs the ability to walk, or upon the application of the owner of a motor vehicle who has a child, parent or spouse with a disability which limits or impairs the ability to walk and the child, parent or spouse is living with the owner of the motor vehicle. Temporary removable windshield placards authorized by this subsection shall be prepared by the Department of Revenue and shall be issued, free of charge, to applicants through the offices of the tax collectors of the counties. Application for a temporary removable windshield placard must be accompanied by the certification of a licensed physician that the applicant or the applicant's child, parent or spouse meets the definition of persons with disabilities which limit or impair the ability to walk. The certification shall also include the period of time that the physician determines the applicant or the applicant's child, parent or spouse will have the disability, not to exceed six (6) months. The temporary removable windshield placard must be displayed on the left side of the

vehicle dashboard or by hanging it on the rearview mirror of the vehicle. The temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six (6) months from the date of issuance. The Department of Revenue shall prescribe the placement for motorcycles.

(4) The removable windshield placard and the temporary removable windshield placard shall be two-sided and shall include:

(a) The International Symbol of Access, which is at least three (3) inches in height, centered on the placard (the color of the removable windshield placard shall be white on a blue shield; and the temporary removable windshield placard shall be white on a red shield);

(b) An identification number and, on the reverse side, the name of the individual to whom the placard is issued;

(c) A date of expiration; and

(d) The seal of the State of Mississippi.

(5) (a) It shall be unlawful to park a motor vehicle in an area set aside for persons who are disabled if the motor vehicle does not (i) have displayed the removable windshield placard authorized in this section with the date of expiration visible, (ii) have the special license plate issued under this section properly displayed upon the motor vehicle, (iii) have the disabled American veteran tag or plate issued under Section 27-19-53 properly displayed upon the motor vehicle, (iv) have the disabled

Purple Heart Medal recipient tag or plate issued under Section 27-19-56.5 properly displayed upon the motor vehicle, * * * (v) have the disabled Bronze Star recipient tag or plate issued under Section 27-19-56.62 properly displayed upon the motor vehicle, or (vi) have a license tag issued under Section 27-19-56.14 and bearing the special decal issued under subsection (1)(c) of this section properly displayed upon the motor vehicle. Any person who unlawfully parks a motor vehicle in such areas, or who blocks such spaces or access thereto, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Two Hundred Dollars ($200.00) for each such violation. For the third and subsequent offenses under this section, the offender's driver's license shall be suspended for ninety (90) days by the Commissioner of Public Safety in accordance with Section 63-1-53 in addition to any fine imposed. The court shall not suspend or reduce any fine required to be imposed under this subsection.

(b) A person who is charged with a violation of this section by parking a motor vehicle in an area set aside for persons who are disabled and failing properly to display (i) a removable windshield placard on the dash of the vehicle or by hanging it on the rearview mirror of the vehicle, (ii) a special license plate issued under this section upon the vehicle, (iii) a disabled American veteran tag or plate issued under Section 27-19-53, (iv) have the disabled Purple Heart Medal recipient tag or plate issued under Section 27-19-56.5 properly displayed upon

the motor vehicle, * * * (v) have the disabled Bronze Star recipient tag or plate issued under Section 27-19-56.62 properly displayed upon the motor vehicle, or (vi) a license tag issued under Section 27-19-56.14 and bearing the special decal issued under subsection (1)(c) of this section properly displayed upon the motor vehicle, shall not be convicted and shall have the charge dismissed upon presentation to the court of proof by means of sworn oral testimony or sworn affidavit that at the time of the charged violation such person or a passenger in the vehicle possessed a valid removable windshield placard issued under this section.

(6) Any person who, for the purpose of obtaining a special license plate or windshield placard under this section, files with the county tax collector a physician's certification, knowing the certification to be false or to have been fraudulently obtained, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than Two Hundred Dollars ($200.00).

(7) All law enforcement officers are authorized to enforce this section on public and private property. Provision of spaces restricted to handicapped parking and proper marking of such spaces shall be considered as intent and permission to enforce such designated parking on private property. Any owner of private property may tow away a vehicle that is parked on the owner's private property in violation of the disabled parking restrictions set forth in this section at the vehicle owner's expense. In

addition, the vehicle owner may be subject to any fines or other penalties provided in this section. Only areas marked in accordance with the Americans with Disabilities Act Accessibility Guidelines or equivalent standards shall be enforced. Spaces shall bear the International Symbol of Access.

(8) Motor vehicles displaying a special license plate, license plate decal, placard or parking certificate or permit bearing the International Symbol of Access issued to a person with a disability by any other state or district subject to the laws of the United States shall be allowed the special parking privileges under this section provided the license plate, decal, placard, permit or certificate bears the International Symbol of Access and is displayed in a prominent place on the vehicle.

(9) Parking in any area set aside for persons who are disabled is limited to vehicles which, immediately before or after the utilization of such an area, are used to transport a person with a disability which limits or impairs the ability to walk. The identification required to park in such an area, except as provided in subsection (8) of this section, is as follows:

(a) For a vehicle used to transport a person with a permanent disability, that person's permanent windshield placard must be displayed or the vehicle must have a special license tag issued under this section or Section 27-19-53 properly displayed or the vehicle must have a license tag issued under Section

27-19-56.14 and bearing the special decal issued under subsection (1)(c) of this section properly displayed.

(b) For a vehicle being used by a person who has a temporary disability which limits or impairs the ability to walk, or which is being used to transport such a person, a temporary windshield placard must be displayed.

Any person who parks in an area set aside for persons who are disabled in violation of this subsection shall be punished as provided for in subsection (5) of this section.

(10) Upon application by a nursing home, retirement home or other institution that transports disabled persons, the Department of Revenue may issue the special license plate authorized pursuant to this section for not more than one (1) vehicle that is registered in the applicant's name that is used to transport disabled residents of the institution. Such institution shall comply with all other laws regarding the registration of such vehicle.

**SECTION 53.** (1) (a) In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this subsection (1) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.12 before the effective date of this act may renew the plate under this subsection (1) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (1). However, the person shall not be required to provide the written evidence required in paragraph (c) of this subsection (1). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in this subsection (1).

(c) An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the Mississippi Veterans Affairs. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

(d) The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

(2) (a) (i) In recognition of the patriotic services rendered by Mississippians who are recipients of the Bronze Star, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of

passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (2), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Bronze Star.

(ii) A person who is privileged to obtain a distinctive motor vehicle license plate or tag identifying such person as a recipient of the Bronze Star and who is eligible to obtain a special license plate under Section 27-19-56 is privileged to obtain one (1) distinctive motor vehicle license plate or tag bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the disabled and identifying such person as a recipient of the Bronze Star.

(iii) Except as otherwise provided in subparagraph (ii) of this paragraph (a), the tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the

applicant is a recipient of the Bronze Star; however, if the person is applying for a distinctive tag pursuant to paragraph (a)(ii) of this subsection (2), the applicant shall also meet the requirements of Section 27-19-56. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (2) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (2), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (2) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.62 before the effective date of this act

may renew the plate or tag under this subsection (2) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (2). The person shall not be required to provide the written proof required in paragraph (b) of this subsection (2); however, if the person is applying for renewal of a distinctive tag described in paragraph (a)(ii) of this subsection (2), the applicant shall also meet the requirements of Section 27-19-56. The additional fee collected from the renewal of such a distinctive plate or tag shall be distributed in the manner provided in paragraph (d) this subsection (1).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (2) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (2) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant

to this subsection (2) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (2) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (2) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (2). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (2). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (2), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (2), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall

be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (2).

(3) (a) In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces during the Vietnam Conflict and were awarded a Vietnam Service Ribbon, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a Vietnam veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this subsection (3) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license

tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.85 before the effective date of this act may renew the plate or tag under this subsection (3) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (3). However, the person shall not be required to provide the written evidence required in paragraph (c) of this subsection (3). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in subparagraph (i) of this paragraph (b).

(c) An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the Mississippi Veterans Affairs. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person

shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

(d) The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

(4) (a) In recognition of the patriotic service rendered by Mississippians who are veterans of the United States Armed Forces, beginning with any registration year commencing on or after July 1, 2020, any such person is privileged to obtain distinctive motorcycle license plates or tags for each motorcycle registered in his name identifying his status as a veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the

original application is made for a distinctive tag under this subsection (4) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veteran homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.125 before the effective date of this act may renew the plate or tag under this subsection (4) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (4). However, the person shall not be required to provide the written proof required in paragraph (c) of this subsection (4). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in subparagraph (i) of this paragraph (b).

(c) An applicant for the distinctive plates shall present to the issuing official written evidence of the veteran's service. The evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, a written certification of military service from the Mississippi Veterans Affairs or a valid military identification card; however, a distinctive license plate or tag shall not be issued under this subsection (4) to any person who

was dishonorably discharged from the United States Armed Forces. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private motorcycle registered in the name, or jointly in the name, of the person making the application, and when issued to the person shall be used upon the motorcycle for which issued in lieu of the standard license plate or license tag normally issued for the motorcycle.

(d) The distinctive license plates shall not be transferable between motorcycle owners; and in the event the owner of a motorcycle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the motorcycle, the plate shall be retained by the owner and returned to the tax collector.

(5) (a) There shall be issued beginning July 1, 2020, special motor vehicle license tags honoring the family members of service members who have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war. The license tag shall be officially designated as the Gold Star license plate.

(b) Except as otherwise provided in this subsection (5), any owner of a motor vehicle who is a resident of this state and a family member of a service member who has died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private

carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in paragraph (e) of this subsection (5), shall be issued a Gold Star license tag for any motor vehicle registered in his name. The distinctive license tag shall be of such color and design as the Department of Revenue, with the advice of supporters of this license tag, may prescribe; however, the license tag shall bear in a conspicuous place a gold star with blue fringe on a white background with a red border that is the symbol for a fallen service member and shall have the words "Gold Star Family" and the branch of the United States Armed Forces in which the family member served displayed on it.

(c) One (1) Gold Star license tag issued to the mother of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, and one (1) Gold Star license tag issued to the unremarried spouse of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees.

(d) Application for the distinctive license tags authorized by this subsection (5) shall be made to the county tax collector on forms prescribed by the Department of Revenue. The

application and the additional fee imposed under subsection (5) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(e) (i) Except as otherwise provided in this subsection (5), beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (5) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (5), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (5) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.162 before the effective date of this act may renew the tag under this subsection (5) in the manner provided for the issuance and renewal of a distinctive plate or tag under this

subsection (5). However, the person shall not be required to provide the documentation and proof required in paragraph (i) of this subsection (5). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (f) of this subsection (1).

(f) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this subsection (5) from the issuance or renewal of the distinctive license tags issued or renewed under this subsection (5). The State Treasurer shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant

to this subsection (5) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(g) A Gold Star license tag issued pursuant to this subsection (5) may be personalized in the manner provided for in Section 27-19-48 upon payment of the additional fee prescribed in that section.

(h) In order to qualify as a family member, the person must be directly related to the fallen service member as their unremarried spouse, child, stepchild, legal mother or father, sibling related by blood or legal adoption, step-sibling, grandparent, grandchild, aunt, uncle or stepparent who is currently married to the mother or father of the fallen service member.

(i) Whether a service member is deemed to have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war shall be determined by the classification of death as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies such as the Coast Guard,

Reserve or National Guard. A classification of having died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war by the Department of Defense shall be prima facie evidence that the service member died in such manner. Documentation of the fact that the service member died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war and proof of relationship to the service member shall be required by the county tax collector before issuing a Gold Star license plate. The county tax collector may waive the documentation if he or she has actual knowledge of the family relationship and that the service member died while serving on active duty in the Armed Forces of the United States while the United States was involved in hostile activities or a time of war.

(j) The Gold Star license plate shall be issued only to family members of service members that resided in Mississippi at the time of the death of the service member.

(k) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (5). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (5). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or

renewed under this subsection (5), which will expire the same month and year as the regular license tag.

(l) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (5), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (5).

(6) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this

subsection (6), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Iraq veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (6) shall pay an

additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (6), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (6) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.186 before the effective date of this act may renew the plate or tag under this subsection (6) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (6). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (6). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (6).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees

collected under this subsection (6) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (6) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under

this subsection (6). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (6). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (6), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (6), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (6).

(7) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and

registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (7), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Afghanistan veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (7) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (7), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (7) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.187 before the effective date of this act may renew the tag under this subsection (7) in the manner provided for the issuance and renewal of a distinctive tag under this subsection (2). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (7). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (7).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (7) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (7) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (7) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (7) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant

to this subsection (7) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (7). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (7). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (7), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (7), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (7).

(8) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Navy and Marine Corps Medal, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon

payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (8), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Navy and Marine Corps Medal. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Navy and Marine Corps Medal. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional

fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (8), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (8) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.199 before the effective date of this act may renew the tag under this subsection (8) in the manner provided for the issuance and renewal of a distinctive tag under this subsection (8). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (8). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (8).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (8) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (8) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (8). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag

under this subsection (8). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (8), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (8), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (8).

(9) (a) In recognition of the patriotic services rendered by Mississippians who served in combat in the United States Armed Forces, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (9), shall be privileged to obtain one (1) distinctive motor vehicle license

plate or tag for each motor vehicle registered in his or her name identifying him or her as a combat veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. The Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall develop decals to be affixed to the license tag indicating the type of military service.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant served in combat in the United States Armed Forces. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (9) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (9), which shall be in addition to all other taxes and fees. The

additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (9) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.450 before the effective date of this act may renew the plate or tag under this subsection (9) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (9). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (9). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (9).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (9) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or

renewed under this subsection (9) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (9). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (9). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or

renewed under this subsection (9), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (9), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (9).

**SECTION 54.** Section 27-19-56.12, Mississippi Code of 1972, is amended as follows:

27-19-56.12. In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a veteran. The * * * Department of Revenue, with concurrence by the State Veterans Affairs Board, shall develop decals to be affixed to the license tag indicating branch and period of military service. The distinctive plates or tags shall

be of a color and design designated by the * * * Department of Revenue with concurrence by the State Veterans Affairs Board.

The distinctive license plates shall be prepared by the * * * Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the * * * Department of Revenue on a monthly basis as prescribed by the * * * department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The * * * Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the State Veterans Affairs Board. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons,

recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

Distinctive license plates shall not be issued under this section after the effective date of this act. A person issued a distinctive plate under this section before the effective date of this act may renew the license plate under Section 53(1) of this act in the manner provided for the issuance and renewal of a plate in Section 53(1) of this act.

**SECTION 55.** Section 27-19-56.62, Mississippi Code of 1972, is amended as follows:

27-19-56.62. (1) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Bronze Star, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other

noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Bronze Star.

(b) A person who is privileged to obtain a distinctive motor vehicle license plate or tag identifying such person as a recipient of the Bronze Star and who is eligible to obtain a special license plate under Section 27-19-56 is privileged to obtain one (1) distinctive motor vehicle license plate or tag bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the disabled and identifying such person as a recipient of the Bronze Star.

(c) Except as otherwise provided in paragraph (b) of this subsection, the tags shall be of such color and design as the Department of Revenue shall prescribe, subject to the approval of the Mississippi License Tag Commission, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Bronze Star; however, if the

person is applying for a distinctive tag pursuant to subsection (1)(b) of this section, the applicant shall also meet the requirements of Section 27-19-56. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2002, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected

under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive tag under this section before the effective date of this act may renew the license tag under Section 53(2) of this act in the manner provided for the issuance and renewal of a tag in Section 53(2) of this act.

**SECTION 56.** Section 27-19-56.85, Mississippi Code of 1972, is amended as follows:

27-19-56.85. In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces during the Vietnam

Conflict and were awarded a Vietnam Service Ribbon, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a Vietnam veteran. The State Tax Commission, with concurrence by the State Veterans Affairs Board, shall develop decals to be affixed to the license tag indicating branch and period of military service. The distinctive plates or tags shall be of a color and design designated by the Tax Commission with concurrence by the State Veterans Affairs Board.

The distinctive license plates shall be prepared by the Tax Commission and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Tax Commission on a monthly basis as prescribed by the commission. The additional fee is due and payable at the time the original application is made for a distinctive tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The State Tax Commission shall deposit such fee to the credit of a fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the State Veterans Affairs Board. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(2) must be complied with before July 1, 2011.

Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective date of this act may renew the license tag under Section 53(3) of

this act in the manner provided for the issuance and renewal of a tag in Section 53(3) of this act.

**SECTION 57.** Section 27-19-56.125, Mississippi Code of 1972, is amended as follows:

27-19-56.125. In recognition of the patriotic service rendered by Mississippians who are veterans of the United States Armed Forces, beginning with any registration year commencing on or after July 1, 2011, any such person is privileged to obtain distinctive motorcycle license plates or tags for each motorcycle registered in his name identifying his status as a veteran. The Department of Revenue, with concurrence by the State Veterans Affairs Board, shall develop decals to be affixed to the license tag indicating branch and period of military service. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the State Veterans Affairs Board.

The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this

section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

An applicant for the distinctive plates shall present to the issuing official written evidence of the veteran's service. The evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, a written certification of military service from the State Veterans Affairs Board or a valid military identification card; however, a distinctive license plate or tag shall not be issued under this section to any person who was dishonorably discharged from the United States Armed Forces. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private motorcycle registered in the name, or jointly in the name, of the person making the application, and when issued to the person shall be used upon the motorcycle for which issued in lieu of the standard license plate or license tag normally issued for the motorcycle.

The distinctive license plates shall not be transferable between motorcycle owners; and in the event the owner of a motorcycle bearing a distinctive plate shall sell, trade, exchange

or otherwise dispose of the motorcycle, the plate shall be retained by the owner and returned to the tax collector.

Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive tag under this section before the effective date of this act may renew the license tag under Section 53(4) of this act in the manner provided for the issuance and renewal of a tag in Section 53(4) of this act.

**SECTION 58.** Section 27-19-56.162, Mississippi Code of 1972, is amended as follows:

27-19-56.162. (1) There shall be issued beginning July 1, 2008, special motor vehicle license tags honoring the family members of service members who have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war. The license tag shall be officially designated as the Gold Star license plate.

(2) Except as otherwise provided in this section, any owner of a motor vehicle who is a resident of this state and a family member of a service member who has died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles,

and upon payment of an additional fee in the amount provided in subsection (5) of this section, shall be issued a Gold Star license tag for any motor vehicle registered in his name. The distinctive license tag shall be of such color and design as the Department of Revenue, with the advice of supporters of this license tag, may prescribe; however, the license tag shall bear in a conspicuous place a gold star with blue fringe on a white background with a red border that is the symbol for a fallen service member and shall have the words "Gold Star Family" and the branch of the United States Armed Forces in which the family member served displayed on it.

(3) One (1) Gold Star license tag issued to the mother of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, and one (1) Gold Star license tag issued to the unremarried spouse of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees.

(4) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (5) of this section, less

Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(5) Except as otherwise provided in this section, beginning with any registration year commencing on or after July 1, 2008, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrent with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(6) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of a fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(7) A Gold Star license tag issued pursuant to this section may be personalized in the manner provided for in Section 27-19-48 upon payment of the additional fee prescribed in that section.

(8) In order to qualify as a family member, the person must be directly related to the fallen service member as their unremarried spouse, child, stepchild, legal mother or father, sibling related by blood or legal adoption, step-sibling, grandparent, grandchild, aunt, uncle or stepparent who is currently married to the mother or father of the fallen service member.

(9) Whether a service member is deemed to have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war shall be determined by the classification of death as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies such as the Coast Guard, Reserve or National Guard. A classification of having died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war by the Department of Defense shall be prima facie evidence that the service member died in such manner. Documentation of the fact that the service member died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war and proof of relationship to the service member shall be required by the county tax collector before issuing a Gold Star license plate. The county tax collector may waive the

documentation if he or she has actual knowledge of the family relationship and that the service member died while serving on active duty in the Armed Forces of the United States while the United States was involved in hostile activities or a time of war.

(10) The Gold Star license plate shall be issued only to family members of service members that resided in Mississippi at the time of the death of the service member.

(11) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(12) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(13) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective date of this act may renew the license tag under Section 53(5) of this act in the manner provided for the issuance and renewal of a tag in Section 53(5) of this act.

**SECTION 59.** Section 27-19-56.186, Mississippi Code of 1972, is amended as follows:

27-19-56.186. (1) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Iraq veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the State Veterans

Affairs Board, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2009, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the State Veterans Affairs Board of this state for the benefit of the State Veterans Memorial Cemetery and veterans nursing homes in this state.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund

to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective date of this act may renew the license tag under Section 53(6) of this act in the manner provided for the issuance and renewal of a tag in Section 53(6) of this act.

**SECTION 60.** Section 27-19-56.187, Mississippi Code of 1972, is amended as follows:

27-19-56.187. (1) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Afghanistan veteran. The tags shall be of such color and design as the * * * Department of Revenue, with the advice of the State Veterans Affairs Board, may prescribe and shall consist

of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the * * * Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the * * * Department of Revenue on a monthly basis as prescribed by the * * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2009, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license

tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(4) The * * * Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the * * * Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the State Veterans Affairs Board of this state for the benefit of the State Veterans Memorial Cemetery and veterans nursing homes in this state.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective

date of this act may renew the license tag under Section 53(7) of this act in the manner provided for the issuance and renewal of a tag in Section 53(7) of this act.

**SECTION 61.** Section 27-19-56.199, Mississippi Code of 1972, is amended as follows:

27-19-56.199. (1) In recognition of the patriotic services rendered by Mississippians who are recipients of the Navy and Marine Corps Medal, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Navy and Marine Corps Medal. The tags shall be of such color and design as the * * * Department of Revenue shall prescribe, subject to the approval of the Mississippi License Tag Commission, and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the * * * Department of Revenue. Applicants for such distinctive license

tags shall present to the issuing official written proof that the applicant is a recipient of the Navy and Marine Corps Medal. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the * * * Department of Revenue on a monthly basis as prescribed by the * * * department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2009, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The * * * Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the * * * Department of Revenue shall certify the total

fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the board overseeing the veterans nursing homes in this state for the benefit of indigent veterans who are residents of such nursing homes.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective date of this act may renew the license tag under Section 53(8) of this act in the manner provided for the issuance and renewal of a tag in Section 53(8) of this act.

**SECTION 62.** Section 27-19-56.450, Mississippi Code of 1972, is amended as follows:

27-19-56.450. (1) In recognition of the patriotic services rendered by Mississippians who served in combat in the United States Armed Forces, upon complying with the motor vehicle laws

relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as a combat veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the State Veterans Affairs Board, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. The Department of Revenue, with the advice of the State Veterans Affairs Board shall develop decals to be affixed to the license tag indicating the type of combat service.

(2) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant served in combat in the United States Armed Forces. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2017, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued under this section shall be deposited in the State Treasury to the credit of a special fund to be administered by the State Veterans Affairs Board of this state for the benefit of the State Veterans Memorial Cemetery and veterans nursing homes in this state.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) Distinctive license tags shall not be issued under this section after the effective date of this act. A person issued a distinctive license tag under this section before the effective date of this act may renew the license tag under Section 53(9) of this act in the manner provided for the issuance and renewal of a tag in Section 53(9) of this act.

**SECTION 63.** Section 27-19-44, Mississippi Code of 1972, is amended as follows:

27-19-44. (1) For any distinctive license tag or plate authorized by the Legislature from and after July 1, 2000, through June 30, 2002, or authorized by Sections 27-19-56.37 and 27-19-56.55, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase one hundred (100) of such license tags or plates. The

organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (1) within two (2) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(2) Except as otherwise provided in subsection (1) of this section, for any distinctive license tag or plate authorized by the Legislature from and after July 1, 2002, through June 30, 2007, the requirements of this subsection must be met before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least two hundred (200) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase two hundred (200) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (2) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(3) Except as otherwise provided in this section, Section 27-19-56.56, Section 27-19-56.59, Section 27-19-56.94, Section 27-19-56.7 or Section 27-19-56.85, for any distinctive license tag or plate authorized or reauthorized by the Legislature from and

after July 1, 2007, the following requirements must be met before the Department of Revenue may prepare or issue any such license tag or plate:

(a) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least three hundred (300) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase three hundred (300) of such license tags or plates.

(b) The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of paragraph (a) of this subsection (3) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued. This paragraph (b) shall not apply to distinctive tags or plates issued under Section 27-19-56.154.

(4) Any distinctive license tag authorized under Sections 27-19-56.186, 27-19-56.203 and 27-19-56.315 must meet the requirements of this subsection before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least one hundred (100) of such license tags or plates will be purchased and

must deposit with the department an amount necessary to purchase one hundred (100) of such license tags or plates. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must satisfy the requirements of this subsection (4) within three (3) years after the effective date of the law authorizing the license tag or plate in order to permit the license tag or plate to be prepared and issued.

(5) The distinctive license tags authorized under Section 27-19-56.108 must meet the requirements of this subsection before the Department of Revenue may prepare or issue any such license tag or plate. The organization or other entity for which the Legislature authorized the distinctive license tag or plate must submit proof satisfactory to the Department of Revenue that at least two hundred (200) of such license tags or plates will be purchased and must deposit with the department an amount necessary to purchase two hundred (200) of such license tags or plates.

(6) If the organization or other entity for which the Legislature authorized the distinctive license tag or plate meets the requirements of subsection (1), (2), (3), (4) or (5) of this section, the Department of Revenue shall prepare and issue the distinctive license tag or plate.

(7) The Department of Revenue shall review the number of distinctive or special license tags or plates issued pursuant to this chapter during the period for the license tag or plate series. If the number of any distinctive or special license tag

or plate issued pursuant to this chapter falls below one hundred (100) in the last year of the license tag or plate series, the distinctive or special license tag or plate shall be discontinued at the end of the period for the license tag or plate series.

(8) If a distinctive or special license tag or plate is discontinued under subsection (7) of this section, the organization or other entity for which the license tag or plate was discontinued may prepare a distinctive or special license tag or plate decal. The distinctive or special license tag or plate decal shall be of such size, color and design as may be agreed upon by the organization or other entity and the Department of Revenue. However, the Department of Revenue shall have final approval of the size, color and design of the decal. The distinctive or special license tag or plate decals shall be prepared and sold by the organization or other entity, and the proceeds derived from the sale of such decals shall be retained by the organization or other entity for any use deemed appropriate by the organization or other entity.

(9) The provisions of this section shall not apply to distinctive or special license tags or plates:

(a) Which are issued under Section 27-19-45, 27-19-46, 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55, 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5, 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13, 27-19-56.40, 27-19-56.62, 27-19-56.69, 27-19-56.79, 27-19-56.90,

27-19-56.125, 27-19-56.127, 27-19-56.137, 27-19-56.140, 27-19-56.162, 27-19-56.187, 27-19-56.199, 27-19-56.205, 27-19-56.239, 27-19-56.292, 27-19-56.318, 27-19-56.379, 27-19-56.466 * * *, 27-19-56.489 or Section 32, 48 or 53 of this act; or

(b) For which no additional fee is required to be paid.

**SECTION 64.** Section 27-51-41, Mississippi Code of 1972, is amended as follows:

27-51-41. (1) The exemptions from the provisions of this chapter shall be confined to those persons or property exempted by this chapter or by the provisions of the Constitution of the United States or the State of Mississippi. No exemption as now provided by any other statute shall be valid as against the tax levied by this chapter. Any subsequent exemption from the tax levied hereunder shall be provided by amendment to this section which shall be inserted in the bill at length.

(2) The following shall be exempt from ad valorem taxation:

(a) All motor vehicles, as defined in this chapter, and including motor-propelled farm implements and vehicles, while in the hands of bona fide dealers as merchandise and which are not being operated upon the highways of this state.

(b) All motor vehicles belonging to the federal government or the State of Mississippi or any agencies or instrumentalities thereof.

(c) All motor vehicles owned by any school district in the state.

(d) All motor vehicles owned by any fire protection district incorporated in accordance with Sections 19-5-151 through 19-5-207 or by any fire protection grading district incorporated in accordance with Sections 19-5-215 through 19-5-241.

(e) All motor vehicles owned by units of the Mississippi National Guard.

(f) All motor vehicles which are exempted from highway privilege taxes under Section 27-19-1 et seq.

(g) All motor vehicles operated in this state as common and contract carriers of property, private commercial carriers of property, private carriers of property and buses, all of which have a gross weight in excess of ten thousand (10,000) pounds.

(h) Antique automobiles as defined in Section 27-19-47, and antique pickup trucks as provided for under Section 27-19-47.2, Mississippi Code of 1972.

(i) Street rods as defined in Section 27-19-56.6.

(j) Two (2) motor vehicles owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(k) One (1) motor vehicle owned by the unremarried surviving spouse of a member of the Armed Forces of the United States who, while on active duty, is killed or dies and one (1) motor vehicle owned by the unremarried surviving spouse of a member of a reserve component of the Armed Forces of the United States or of the National Guard who, while on active duty for training, is killed or dies.

(l) Motor vehicles owned by recipients of the Congressional Medal of Honor or by former prisoners of war, or by spouses of such deceased persons, in accordance with Section 27-19-54.

(m) (i) One (1) private carrier of passengers, as defined in Section 27-19-3, owned by any religious society, ecclesiastical body or any congregation thereof which is used exclusively for such society and not for profit.

(ii) All motor vehicles owned by any such religious society or any educational institution having a seating capacity greater than seven (7) passengers and used exclusively for transporting passengers for religious or educational purposes and not for profit.

(n) All motor vehicles primarily used as rentals under rental agreements with a term of not more than thirty (30) continuous days each and under the control of persons who are engaged in the business of renting such motor vehicles and who are subject to the tax under Section 27-65-231.

(o) Antique motorcycles as defined in Section 27-19-47.1.

(p) One (1) motor vehicle owned by a recipient of the Purple Heart, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Purple Heart, as provided in Section 27-19-56.5.

(q) Motor vehicles that are eligible to display an authentic historical license plate as provided for in Section 27-19-56.11.

(r) Motor vehicles that are (i) designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops; and (ii) only incidentally used on public roadways in this state.

(s) One (1) motor vehicle owned by the mother of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 53(5) of this act.

(t) One (1) motor vehicle owned by the unremarried spouse of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 53(5) of this act.

(u) Buses and other motor vehicles that are (a) owned and operated by an entity that has entered into a contract with a school board under Section 37-41-31 for the purpose of transporting students to and from schools and (b) used by the entity for such transportation purposes. This paragraph (u) shall apply to contracts entered into or renewed on or after July 1, 2010.

(v) One (1) motor vehicle owned by a recipient of the Silver Star, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Silver Star, as provided in Section 27-19-56.284.

(w) One (1) motor vehicle owned by a person who is a law enforcement officer and who (i) was wounded or otherwise received intentional or accidental bodily injury, regardless of whether occurring before or after July 1, 2014, while engaged in the performance of his official duties, provided the wound or injury was not self-inflicted, (ii) was required to receive medical treatment for the wound or injury due to the nature and extent of the wound or injury, and (iii) is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag. Application for the exemption provided in this paragraph (w) may be made at the time of initial registration of a vehicle and renewal of registration. In addition, an applicant for the exemption must provide official written

documentation that (i) the applicant is a law enforcement officer who was wounded or otherwise received intentional or accidental bodily injury while engaged in the performance of his official duties and that the wound or injury was not self-inflicted along with official written documentation verifying receipt of medical treatment for the wound or injury and the nature and extent of the wound or injury, and (ii) the applicant is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag.

(x) One (1) motor vehicle owned by an honorably discharged veteran of the Armed Forces of the United States who served during World War II, and one (1) motor vehicle owned by the unremarried surviving spouse of such veteran, as provided in Section 27-19-56.438.

(3) Any claim for tax exemption by authority of the above-mentioned code sections or by any other legal authority shall be set out in the application for the road and bridge privilege license, and the specific legal authority for such tax exemption claim shall be cited in said application, and such authority cited shall be shown by the tax collector on the tax receipt as his authority for not collecting such ad valorem taxes, and the tax collector shall carry forward such information in his tax collection reports.

(4) Any motor vehicle driven over the highways of this state to the extent that the owner of such motor vehicle is required to purchase a road and bridge privilege license in this state, yet the legal situs of such motor vehicle is located in another state, shall be exempt from ad valorem taxes authorized by this chapter.

(5) If a taxpayer shall sell, trade or otherwise dispose of a vehicle on which the ad valorem and road and bridge privilege taxes have been paid in any county in the state, he shall remove the license plate from the vehicle. Such license plate must be surrendered to the issuing authority with the corresponding tax receipt, if required, and credit shall be allowed for the taxes paid for the remaining tax year on like privilege or ad valorem taxes due on another vehicle owned by the seller or transferor or by the seller's or transferor's spouse or dependent child. If the seller or transferor does not elect to receive such credit at the time the license plate is surrendered, the issuing authority shall issue a certificate of credit to the seller or transferor, or to the seller's or transferor's spouse or dependent child, or to any other person, business or corporation, at the direction of the seller or transferor, for the remaining unexpired taxes prorated from the first day of the month following the month in which the license plate is surrendered. The total of such credit may be used by the person or entity to whom the certificate of credit is issued, regardless of the relative amounts attributed to privilege taxes or to county, school or municipal ad valorem taxes. Any

credit allowed for taxes due or any certificate of credit issued may be applied to like taxes owed in any county by the person to whom the credit is allowed or by the person possessing the certificate of credit. No credit, however, shall be allowed on the charge made for the license plate. Such license plates surrendered to the tax collector shall be retained by him, and in no event shall such license plate be attached to any vehicle after being surrendered to the tax collector, nor shall any license plate be transferred from one (1) vehicle to any other vehicle.

(6) If the person owning a vehicle subject to taxation under the provisions of this chapter does not operate such vehicle on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for a current license tag or decals, he shall pay such ad valorem tax for a period of twelve (12) months beginning with the first day of the month in which he applies for a current license tag or decals under Chapter 19, Title 27, Mississippi Code of 1972. The owner shall submit an affidavit with an application attesting to the fact that the vehicle was not operated on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for the current license tag or decals.

(7) Any person found violating any of the provisions of this section shall be arrested and tried, and if found guilty shall be fined in an amount double the total amount of taxes involved.

**SECTION 65.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Trotting Association. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Trotting Association, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be distributed to the Mississippi Trotting Association.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 66.** (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Poplarville High School. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Principal of Poplarville High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the

additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Poplarville High School for support of the school's athletic program.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

**SECTION 67.** This act shall take effect and be in force from and after its passage.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2290

**Description:** Homestead exemption application form; shall include name, date of birth, SSN, phone number and email address of the applicant and spouse.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/07 | (S) | Referred To Finance |
| 2 | 02/25 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 03/11 | (S) | Committee Substitute Adopted |
| 4 | 03/11 | (S) | Motion to Reconsider Entered |
| 5 | 03/11 | (S) | Committee Substitute Failed |
| 6 | 03/11 | (S) | Amended |
| 7 | 03/11 | (S) | Passed As Amended {Vote} |
| 8 | 03/13 | (S) | Transmitted To House |
| 9 | 03/25 | (H) | Referred To Ways and Means |
| 10 | 06/09 | (H) | Title Suff Do Pass As Amended |
| 11 | 06/10 | (H) | Amended |
| 12 | 06/10 | (H) | Passed As Amended {Vote} |
| 13 | 06/10 | (H) | Motion to Reconsider Entered (Hopkins, Lamar, Steverson) |
| 14 | 06/11 | (H) | Motion to Reconsider W/Drawn |
| 15 | 06/11 | (H) | Returned For Concurrence |
| 16 | 06/16 | (S) | Decline to Concur/Invite Conf |
| 17 | 06/22 | (S) | Conferees Named Harkins,Blackwell,Simmons (12th) |
| 18 | 06/23 | (H) | Conferees Named Lamar,Steverson,Massengill |
| 19 | 06/24 | (S) | Conference Report Filed |
| 20 | 06/24 | (H) | Conference Report Filed |
| 21 | 06/25 | (S) | Conference Report Adopted {Vote} |
| 22 | 06/26 | (H) | Conference Report Adopted {Vote} |
| 23 | 06/28 | (S) | Enrolled Bill Signed |
| 24 | 06/28 | (H) | Enrolled Bill Signed |
| 25 | 07/03 | | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2290
Conference Reports:
Conference Report

**Code Section:** A 027-0033-0031

**----- Additional Information -----**

***Senate Committee:*** Finance
***House Committee:*** Ways and Means

***Principal Author:*** Blackwell

***Title:*** AN ACT TO AMEND SECTION 27-33-31, MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICATION FOR HOMESTEAD EXEMPTION TO INCLUDE THE NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER, PHONE NUMBER AND EMAIL ADDRESS OF BOTH THE APPLICANT AND THE SPOUSE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Blackwell To: Finance

SENATE BILL NO. 2290
(As Passed the Senate)

AN ACT TO AMEND SECTION 27-33-31, MISSISSIPPI CODE OF 1972, TO REQUIRE AN APPLICATION FOR HOMESTEAD EXEMPTION TO INCLUDE THE NAME, DATE OF BIRTH, SOCIAL SECURITY NUMBER, PHONE NUMBER AND EMAIL ADDRESS OF BOTH THE APPLICANT AND THE SPOUSE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-33-31, Mississippi Code of 1972, is amended as follows:

27-33-31. (1) It shall be the duty of every person, who is eligible for and desires the homestead exemption provided for in this article, to comply with the following provisions:

(a) He shall make written application to the county tax assessor on the prescribed form, on or before the first day of April. Applications not on file on or before April 1 of the current year may not be filed, may not be dated back, may not be accepted by the assessor, may not be allowed by the board of supervisors, and may not be considered by the commission, * * * except as provided in paragraph (b) of this section.

Any person who has on file with the tax assessor a valid allowed claim for homestead exemption filed on or after January 1, 1991, shall not be required to annually thereafter reapply for such claim for exemption but shall be credited with such exemption each year so long as such person is entitled to homestead exemption on the same property and there has been no change in the property description, ownership, use or occupancy since January 1 of the preceding year. In the event changes have occurred in the status of the homestead in the property description, ownership, use or occupancy since January 1 of the preceding year, and in the event such person is still eligible for homestead exemption, he shall file a new application and provide all the information required under this section as for the initial application. However, the requirement to file a new application shall not apply to a surviving spouse who is still eligible for homestead exemption. If the deceased spouse qualified for the exemption provided in Section 27-33-67(2), but the surviving spouse does not qualify for such exemption, the surviving spouse must file a new application for homestead exemption.

(b) In cases where the Governor declares by written proclamation that the courthouse or other place that the tax assessor's office may be located is damaged to such an extent that it is not possible to accept applications for homestead exemption, then the Governor may extend the period for filing by a period not to exceed thirty (30) days.

(c) He shall make the application in quadruplicate.

(d) He shall make separate applications, as provided above, to the respective assessors if the property claimed for exemption lies in two (2) counties, first with the assessor of the county of residence, and then with the assessor of the other county, submitting at the same time two (2) copies of the first application, certified by the chancery clerk as specified by Section 27-33-23(f).

(e) He shall deliver to the assessor the application marked "original," the copy marked "duplicate," and the copy marked "triplicate."

(f) He shall retain the copy marked "quadruplicate" as evidence that the application was made and filed, which quadruplicate may be filed with the board if the original and duplicate are lost; and certified copies of the quadruplicate may be used when so ordered by the board, not later than the meeting of the board held in March of the year following the year in which the application was executed, under such rules and regulations as the commission shall prescribe.

(g) He shall state on the application the name, date of birth, social security number, phone number and email address of the owner of the property, and the number and status of all occupants of the home, other than the owner's family. If the applicant is married, he shall state on the application the name,

date of birth, social security number, phone number and email address of the spouse.

(h) He shall state the full name of the applicant, whether the same as the name of the owner or not.

(i) He shall give a parcel number, which shall clearly locate and identify it, and state the acreage contained, as prescribed in Section 27-33-27.

(j) He shall state the kind of title, or ownership right held, from whom and how obtained, and the names of all present owners.

(k) He shall state the number of book and page where the deed, or other conveyance or evidence of ownership, is of public record, or attach to both the original and duplicate application a certified copy of the conveyance by which title is claimed, or copies supported by affidavit of the holder, or by one who has seen and verified the original; or such other evidence of title as may be required by the commission; and the instrument by which title is claimed shall be placed of record, if it may be admitted to record.

(l) He shall state the price for which the property was sold and conveyed to the owner, the amount of the unpaid principal, if any, and the terms of payment thereof, if it was acquired by the owner after July 1, 1938, as evidenced by the date of the acknowledgment of the conveyance. The purchase price and

the amount of unpaid principal shall not be required more than one (1) time.

(m) He shall state if any part of the dwelling or land is rented or leased, and the kind of business conducted in the home or on the land.

(n) He shall furnish all the information required by the application, which must be true and correct, and he must supply it in the event he does not prepare the application with his own hand. Except as otherwise provided in Section 27-33-33(2), the information given on the application must not be made or inserted by the assessor or by anyone, except as furnished by the applicant.

(o) He shall make the original application in person or in such manner as may be provided under the rules and regulations of the commission; or it may be made by his agent or attorney, duly constituted in writing, and a copy of such written authority, duly sworn to and acknowledged or attested by two (2) competent witnesses shall be attached to each the original, the duplicate, and the triplicate application for homestead exemption; but the husband or wife may sign for the other if living in the same dwelling.

(p) He shall make affidavit to the application and to the truth of all statements made and answers to questions contained therein, and the oath may be administered by the tax

assessor, a member of the board of supervisors, or any other officer authorized by law to take acknowledgments.

(q) He shall give such other pertinent information as may be required by the commission; and he shall promptly give any information requested, and answer any question propounded by the assessor or member of the board of supervisors.

(r) When an applicant has filed a timely application, but has failed to make known his eligibility for an additional exemption as provided for in Section 27-33-67(2), then an application for additional homestead exemption may be filed under such rules and regulations as the commission shall prescribe.

(2) The board of supervisors may authorize a charge of Fifty Cents (50¢) per subsequent annual renewal application, which is returned by the applicant by mail, to be used toward defraying the expense of the mailing process of the subsequent annual renewal application. The charge provided for herein shall not be assessed against any person returning the subsequent annual renewal application in person.

(3) In addition to any other fine, imprisonment or sentence which may be imposed for violation of the Mississippi Homestead Exemption Law of 1946, any person who violates such law through fraudulent application or by willful failure to notify the tax assessor of changes in the status of the homestead, when required to do so under subsection (1)(a) of this section, shall be guilty of a felony and upon conviction may be punished by a fine of not

more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than two (2) years, or both.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2307

**Description:** State Board of Barber Examiners; extend repealer on.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/07 | (S) | Referred To Public Health and Welfare |
| 2 | 03/03 | (S) | Title Suff Do Pass Comm Sub |
| 3 | 03/06 | (S) | Committee Substitute Adopted |
| 4 | 03/06 | (S) | Passed {Vote} |
| 5 | 03/09 | (S) | Transmitted To House |
| 6 | 03/17 | (H) | Referred To Public Health and Human Services |
| 7 | 06/03 | (H) | Title Suff Do Pass As Amended |
| 8 | 06/12 | (H) | Amended |
| 9 | 06/12 | (H) | Passed As Amended {Vote} |
| 10 | 06/16 | (H) | Returned For Concurrence |
| 11 | 06/18 | (S) | Concurred in Amend From House {Vote} |
| 12 | 06/23 | (S) | Enrolled Bill Signed |
| 13 | 06/23 | (H) | Enrolled Bill Signed |
| 14 | 06/29 | | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2307

**Code Section:** R 073-0005-0001, R 073-0005-0003, R 073-0005-0005, R 073-0005-0007, R 073-0005-0008, R 073-0005-0009, R 073-0005-0011, R 073-0005-0012, R 073-0005-0015, R 073-0005-0017, R 073-0005-0019, R 073-0005-0021, R 073-0005-0023, R 073-0005-0025, R 073-0005-0027, R 073-0005-0029, R 073-0005-0031, R 073-0005-0033, R 073-0005-0035, R 073-0005-0037, R 073-0005-0039, R 073-0005-0041, RA 073-0005-0043, RA 073-0005-0045

**----- Additional Information -----**

***Senate Committee:*** Public Health and Welfare
***House Committee:*** Public Health and Human Services

***Principal Author:*** Bryan
***Additional Authors:*** Jackson (11th), Jordan

***Title:*** AN ACT TO REENACT SECTIONS 73-5-1, 73-5-3, 73-5-5, 73-5-7, 73-5-8, 73-5-9, 73-5-11, 73-5-12, 73-5-15, 73-5-17, 73-5-19, 73-5-21, 73-5-23, 73-5-25, 73-5-27, 73-5-29, 73-5-31, 73-5-33, 73-5-35, 73-5-37, 73-5-39, 73-5-41 AND 73-5-43, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE STATE BOARD OF BARBER EXAMINERS; TO AMEND REENACTED SECTION 73-5-43, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; TO REENACT AND AMEND SECTION 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Bryan, Jackson (11th), Jordan To: Public Health and Welfare

SENATE BILL NO. 2307
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-5-1, 73-5-3, 73-5-5, 73-5-7, 73-5-8, 73-5-9, 73-5-11, 73-5-12, 73-5-15, 73-5-17, 73-5-19, 73-5-21, 73-5-23, 73-5-25, 73-5-27, 73-5-29, 73-5-31, 73-5-33, 73-5-35, 73-5-37, 73-5-39, 73-5-41 AND 73-5-43, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE STATE BOARD OF BARBER EXAMINERS; TO AMEND REENACTED SECTION 73-5-43, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; TO REENACT AND AMEND SECTION 73-5-45, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is reenacted as follows:

73-5-1. The State Board of Barber Examiners is continued and reconstituted as follows: The Board of Barber Examiners shall consist of five (5) members, to be appointed by the Governor, with the advice and consent of the Senate, one (1) member to be appointed from each of the congressional districts as existing on January 1, 1991. Each member shall be a practical barber and a qualified elector of this state. He shall have been engaged in the practice of barbering in the State of Mississippi for at least five (5) years immediately before the time of his appointment and

shall be a person of good moral character. From and after July 1, 1983, the appointments to the board shall be made in the manner hereinafter provided, and the present members of the State Board of Barber Examiners whose terms have not expired by July 1, 1983, shall continue to serve until their successors have been appointed and qualified. The Governor shall appoint, with the advice and consent of the Senate, five (5) members from the congressional districts as follows: The member from the First Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Second Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; the member from the Third Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Fourth Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; and the member from the Fifth Congressional District shall be appointed for a term of one (1) year to commence on July 1, 1983. The members of the board as constituted on July 1, 2002, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest

number of board members until the membership includes one (1) member from each district as required. From and after July 1, 2002, no member of the board who is connected in any way with any barbering school shall participate in the administration of examinations of barber applicants. From and after July 1, 2004, no member of the board shall be connected in any way with any school in which barbering is taught.

All members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of four (4) years each from the expiration date of the previous term, until their successors have been appointed and qualified. No member of the board shall hold any elected office. Appointments made to fill a vacancy of a term shall be made by the Governor within sixty (60) days after the vacancy occurs.

The Governor may remove any one or more members of the board for just cause. Members appointed to fill vacancies caused by death, resignation or removal of any member or members shall serve only for the unexpired term of their predecessors. Any member who does not attend two (2) consecutive meetings of the board for reasons other than illness of the member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

**SECTION 2.** Section 73-5-3, Mississippi Code of 1972, is reenacted as follows:

73-5-3. The board shall elect a president and secretary and shall adopt and use a common seal for the authentication of its records and orders. The secretary shall keep a record of all proceedings and acts of the board and an accurate account of all funds received and disbursed, which shall be considered as public records.

The secretary shall execute and file with the Secretary of State a bond in the sum of Ten Thousand Dollars ($10,000.00) conditioned according to law, the bond to be made in a surety company authorized to do business in this state and approved by the Governor. The premium for the bond shall be paid out of the funds in the board's special fund in the State Treasury.

A majority of the board shall constitute a quorum, and it is authorized to perform the requirements of this chapter at any regular or special meeting called for that purpose.

Each member of the board shall receive per diem in accordance with Section 25-3-69 when actually attending to the work of the board or any of its committees, and shall be reimbursed for traveling expenses in accordance with Section 25-3-41 in carrying out the provisions of this chapter. The board shall employ an executive director with compensation to be established by the State Personnel Board, and the executive director shall devote his or her full time to oversee all day-to-day operations of the board. The board may employ four (4) inspectors, one (1) to be appointed from each of the four (4) congressional districts, to

make periodic inspections of all barbershops throughout the state and one (1) chief inspector to be appointed from the state at large to supervise inspections and investigations statewide. The board shall employ the necessary personnel to carry out the provisions of this chapter, and maintain and pay the expenses of an office to be located in the City of Jackson. All per diem, salaries and expenses shall be paid exclusively from the funds in the board's special fund, and salaries and expenses of personnel may be disbursed monthly.

The board shall require such of its employees as it may consider necessary to make bond and file same with the Secretary of State in such sums as it may consider necessary to protect the interests of the barbers of the State of Mississippi and require the faithful performance of their duties.

**SECTION 3.** Section 73-5-5, Mississippi Code of 1972, is reenacted as follows:

73-5-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions

signed by the president of the board and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request of the Governor. The Governor shall have the power to suspend any member of the board who shall be found short in any account until such time as it shall be definitely determined whether such shortage was the result of an act of dishonesty on the part of the member.

**SECTION 4.** Section 73-5-7, Mississippi Code of 1972, is reenacted as follows:

73-5-7. (1) The Board of Barber Examiners shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. Provided, however, that any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. The Board of Barber

Examiners shall adopt regulations for the guidance of registered barbers in the operation of a shop and in the practice of barbering except, however, it shall be optional with the individual barber as to whether he or she uses a mug. Any member or designee of the Board of Barber Examiners shall have the authority to enter upon and inspect any barbershop or barber school at anytime during business hours. A copy of the rules and regulations of the State Board of Barber Examiners shall be furnished to the owner or manager of each shop and barber school affected by this chapter, and such copy shall be posted in a conspicuous place in such barbershop or barber school.

(2) The board shall have authority to establish rules and regulations governing schools of barbering in this state except those schools operated by a state institution of higher learning or by a public community or junior college. The board shall have further authority to establish curriculum for such regulated schools of barbering in this state.

Each regulated school of barbering shall submit the following to the board before enrolling students:

(a) The address of proposed school, and the type and size of building in which the school is to be located;

(b) The names and addresses of owners and officers of such school, and the names, addresses and instructor license number of managers, supervisors and instructors of such school;

(c) A list of equipment and teaching aids; and

(d) A copy of the contract to be used between the school and the student.

All regulated schools of barbering in the State of Mississippi shall be required to maintain a surety bond in the amount of Twenty-five Thousand Dollars ($25,000.00) to ensure that in the event a school ceases operation, that all unused tuition fees will be refunded to the students concerned. This bond shall remain in effect for the duration of the school's operation.

(3) The Board of Barber Examiners shall adopt rules and regulations establishing a procedure for the processing and investigation of complaints filed with the board. The board shall keep records of all complaints, and such records shall indicate the action taken on the complaints.

(4) The Board of Barber Examiners shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates of registration. The record shall also contain the name, place of business and the residence of each registered barber, and the date and number of his certificate of registration. The record shall be open to public inspection at all reasonable times.

**SECTION 5.** Section 73-5-8, Mississippi Code of 1972, is reenacted as follows:

73-5-8. Any person is qualified to receive a certificate of registration as a barber instructor who:

(a) Is eighteen (18) years of age or older;

(b) Is of good moral and temperate habits;

(c) Is able to read, write and speak English;

(d) Possesses a high school education or its equivalent;

(e) Has successfully completed not less than fifteen hundred (1500) hours at a barbering school approved by the State Board of Barber Examiners and holds a valid certificate of registration to practice barbering;

(f) Has (i) not less than two (2) years of active experience as a registered barber and has successfully completed not less than six hundred (600) hours of barber instructor training at a school approved by the board, or (ii) less than two (2) years of active experience as a registered barber and has successfully completed not less than one thousand (1,000) hours of barber instructor training at a school approved by the board; and

(g) Has passed a satisfactory examination conducted by the board to determine his fitness to practice as a barber instructor.

All persons who have received a certificate of registration as a barber instructor from the board before July 1, 2002, shall be considered to have met the requirements of this section, and all those certificates of registration shall be renewable as otherwise provided in this chapter.

The board will implement an active and inactive instructor license. In order to renew an active license, instructors holding

an active license shall be required to submit proof of twelve (12) hours of continuing education each year to the Board of Barber Examiners. That education shall be acquired in classes or trade shows teaching materials that are approved by the board. Instructors holding an inactive license shall be required to submit proof of twelve (12) hours continuing education before upgrading to an active status.

**SECTION 6.** Section 73-5-9, Mississippi Code of 1972, is reenacted as follows:

73-5-9. (1) No person shall practice or attempt to practice barbering in the State of Mississippi without a certificate of registration as a registered barber issued pursuant to the provisions of this chapter.

(2) No person shall be a barber instructor in the State of Mississippi without a certificate of registration as a barber instructor issued pursuant to the provisions of this chapter.

(3) Any person or persons who violates any provision of this chapter shall be guilty of a misdemeanor, punishable upon conviction in a court of competent jurisdiction as follows:

(a) For the first offense, by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00);

(b) For the second offense, by a fine of not less than Five Hundred One Dollars ($501.00) nor more than One Thousand Dollars ($1,000.00);

(c) For the third and any later offense, by imprisonment for not less than five (5) days nor more than six (6) months in the county jail.

**SECTION 7.** Section 73-5-11, Mississippi Code of 1972, is reenacted as follows:

73-5-11. (1) To be eligible for enrollment at a barbering school approved by the Board of Barber Examiners, a person shall have a high school education or its equivalent, and/or shall have satisfactorily passed the ability-to-benefit examinations approved by the U.S. Department of Education.

(2) Any person is qualified to receive a certificate of registration to practice barbering:

(a) Who is qualified under the provisions of this chapter;

(b) Who is of good moral character and temperate habits;

(c) Who has completed not less than fifteen hundred (1500) hours at a barbering school approved by the State Board of Barber Examiners; and

(d) Who has passed a satisfactory examination conducted by the board of examiners to determine his fitness to practice barbering.

(3) A temporary permit to practice barbering until the next examination is given may be issued to a student who has completed not less than fifteen hundred (1500) hours at a barbering school

approved by the Board of Barber Examiners. In no event shall a person be allowed to practice barbering on a temporary permit beyond the date the next examination is given, except because of personal illness.

**SECTION 8.** Section 73-5-12, Mississippi Code of 1972, is reenacted as follows:

73-5-12. Any cosmetologist who can read, write and speak English and has successfully completed not less than fifteen hundred (1500) hours in an accredited school of cosmetology, and holds a valid, current license, shall be eligible to take the barber examination to secure a certificate of registration as a barber upon successfully completing six hundred (600) hours in a barber school approved by the Board of Barber Examiners.

All fees for application, examination, registration and renewal thereof shall be the same as provided for in this chapter.

**SECTION 9.** Section 73-5-15, Mississippi Code of 1972, is reenacted as follows:

73-5-15. Each applicant for an examination shall:

Make application to the Board of Barber Examiners on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath for the particular qualifications of the applicant; and,

Furnish to the board, at the time of the filing of such application, two (2) five-inch (5") X three-inch (3") signed photographs of the applicant, one (1) to accompany the

application, and one (1) to be returned to the applicant to be presented to the board when the applicant appears for examination; and,

Pay to the board the required fee.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

**SECTION 10.** Section 73-5-17, Mississippi Code of 1972, is reenacted as follows:

73-5-17. The Board of Barber Examiners shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than three (3) times a year, which examination shall be had in some town or city selected by the examining board. Examinations of applicants for certificates of registration as barber instructors shall be conducted at a time and place selected by the examining board.

The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually practiced in a duly licensed shop of Mississippi under the direct and personal supervision of a registered barber. The examination of applicants for certificates of registration as barber instructors shall include such subjects as the board deems necessary to determine the applicant's fitness to practice as a barber instructor.

**SECTION 11.** Section 73-5-19, Mississippi Code of 1972, is reenacted as follows:

73-5-19. Whenever the applicable provisions of this chapter have been complied with, the Board of Barber Examiners shall issue a certificate of registration as a registered barber or barber instructor, as the case may be.

**SECTION 12.** Section 73-5-21, Mississippi Code of 1972, is reenacted as follows:

73-5-21. Any person possessed of the following qualifications shall, upon payment of the required fee, receive a certificate of registration as a registered barber:

(a) Is at least eighteen (18) years old;

(b) Is of good moral character and temperate habits; and

(c) Either has a license or certificate of registration as a practicing barber in another state or country that has substantially the same requirements for licensing or registration of barbers as are contained in this chapter, or can prove by sworn affidavits that he has lawfully practiced as a barber in another state or country for at least five (5) years immediately before making application in this state, or can show to the satisfaction of the board that he had held a rating in a branch of the military service for two (2) or more years that required him to perform the duties of a barber. The issuance of a certificate of registration

by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

In addition to the above, the board may require the applicant to successfully demonstrate sufficient knowledge of the Barber Law of the State of Mississippi, as well as sufficient practical skill by requiring the applicant to take a practical examination approved by the board.

**SECTION 13.** Section 73-5-23, Mississippi Code of 1972, is reenacted as follows:

73-5-23. (1) Every holder of a certificate of registration as a registered barber shall display it in a conspicuous place adjacent to or near his or her work chair, and in plain view of the patrons of the shop in which he or she is engaged at work.

(2) It shall be the responsibility of all owners, managers, or persons in charge of a barbershop at the time of an inspection to ensure that all licenses are displayed at all times.

(3) Any owner or barber found in violation of this section shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00).

**SECTION 14.** Section 73-5-25, Mississippi Code of 1972, is reenacted as follows:

73-5-25. (1) The Board of Barber Examiners may refuse to issue, or may suspend definitely or indefinitely, or revoke any certificate of registration or license for any one (1) or a combination of the following causes:

(a) Conviction of a felony shown by a certified copy of the judgment of court in which such conviction is had, unless upon a full and unconditional pardon of such convict, and upon satisfactory showing that such convict will in the future conduct himself in a law-abiding way.

(b) Gross malpractice or gross incompetency.

(c) Continued practice by a person knowingly having an infectious or contagious disease.

(d) Advertising, practicing or attempting to practice under a trade name or name other than one's own.

(e) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or habit-forming drug, or any other illegal controlled substances.

(f) Immoral or unprofessional conduct.

(g) Violation of regulations that may be prescribed as provided for in Sections 73-5-7 through 73-5-43.

(2) In addition to the causes specified in subsection (1) of this section, the board shall be authorized to suspend the certificate of registration of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that

purpose, shall be governed by Section 93-11-157 or 93-11-163. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

**SECTION 15.** Section 73-5-27, Mississippi Code of 1972, is reenacted as follows:

73-5-27. The Board of Barber Examiners may neither refuse to suspend or revoke, nor revoke or suspend any certificate of registration as a registered barber or barber instructor, for any of the causes enumerated in this chapter, unless the holder of such certificate has been given at least twenty (20) days' notice, in writing by registered mail, signed by the President and Secretary of the Board of Barber Examiners, setting forth the charges against such holder of such certificate and naming the time and place for a hearing upon the charge or charges, and a public hearing thereof by the Board of Barber Examiners. The person shall return a written response within ten (10) business days acknowledging receipt of the letter and confirmation of attendance at the board hearing no later than the close of business of the tenth day.

Upon the hearing of any such charge or charges the board may issue all subpoenas for all necessary witnesses for and against the accused, and require their attendance upon such hearing, may administer oaths, and may procure by process the production of all

necessary books and papers, bearing or touching upon such charges against the accused.

**SECTION 16.** Section 73-5-29, Mississippi Code of 1972, is reenacted as follows:

73-5-29. The fee for taking an examination as a registered barber shall be in the sum of not more than Fifty-five Dollars ($55.00), and the further sum of not more than Forty-five Dollars ($45.00) shall be required for the issuance of a certificate for the registered barber. The fee for taking an examination as a registered barber instructor shall be in the sum of not more than Fifty-five Dollars ($55.00), and the further sum of not more than Fifty Dollars ($50.00) shall be required for the issuance of a certificate of registration for the registered barber instructor. A fee of not more than One Hundred Fifty Dollars ($150.00) shall be required for the issuance of a certificate of registration to a practicing barber of another state as authorized by Section 73-5-21. Likewise, an annual renewal fee payable on the anniversary date of the issuance of each certificate of registration as a registered barber of not more than Forty-five Dollars ($45.00) shall be charged for the issuance of the renewal of the certificate; an annual renewal fee payable on the anniversary date of the issuance of each certificate of registration as a registered barber instructor of not more than Fifty Dollars ($50.00) shall be charged for the issuance of the renewal of the certificate; however, the renewal fee for a

registered barber and barber instructor who is sixty-five (65) years of age or older shall be not more than Thirty Dollars ($30.00). No renewal fee shall be charged for registered barbers and barber instructors who are at least seventy-two (72) years of age. A fee of Ten Dollars ($10.00) for each year or any portion thereof in addition to payment of all unpaid renewal fees in arrears and the regular renewal fee shall be required for the restoration of expired certificates of registration issued pursuant to this chapter. Additionally, in order to restore any certificate of registration issued under this chapter that has been expired for a period of five (5) years or longer, the holder thereof must retake and pass the appropriate examination. A penalty of Ten Dollars ($10.00) in addition to payment of all unpaid renewal fees in arrears and the regular renewal fee shall be required for the restoration of certificates that have expired for a period of thirty (30) to sixty (60) days. A penalty of Twenty-five Dollars ($25.00) in addition to payment of all unpaid renewal fees in arrears and the regular renewal fee shall be required for the restoration of certificates that have been expired for a period greater than sixty (60) days.

The board may adopt and spread upon its minutes the rules and regulations for the issuance of a duplicate certificate for which a fee of not more than Ten Dollars ($10.00) may be charged. However, each duplicate certificate issued shall have stamped

across its face the word "duplicate" and shall bear the number of the original certificate in lieu of which it is issued.

**SECTION 17.** Section 73-5-31, Mississippi Code of 1972, is reenacted as follows:

73-5-31. The board is hereby authorized to receive applications for and give examinations to persons who have not become legal residents of the State of Mississippi when such applicants comply with the laws and regulations of said board and are authorized to issue a certificate or license, as the case may be, as fully as if said applicant was a resident of the State of Mississippi. However, the board is authorized to charge a sum of not more than Twenty Dollars ($20.00) in addition to the other fees charged a resident applicant to cover the necessary expenses in making any investigation or obtaining information concerning said applicant. Upon the successful compliance with the laws of this state, such nonresident may be issued a certificate or license as a resident.

**SECTION 18.** Section 73-5-33, Mississippi Code of 1972, is reenacted as follows:

73-5-33. (1) The board shall issue a license for each barbershop in operation in the State of Mississippi, and the board shall prescribe the rules and regulations and circulate the information necessary to obtain a license for the barbershop. A fee of not more than Fifteen Dollars ($15.00) for each chair manned by a registered barber located in the shop shall be

required for the issuance of the license, and the same fee shall be required for a renewal of the license to the shop, the renewal due on the anniversary date of each year. A fee of not more than Twenty-five Dollars ($25.00) in addition to the regular renewal fee shall be required for restoration of any license that has expired for more than thirty (30) days. Any barbershop license having passed the second year anniversary date, in delinquency, shall be required to have a new shop inspection and shall hereafter pay an initial fee of not more than Forty-five Dollars ($45.00) in addition to all other fees required for restoration.

(2) All barbershop owners shall be responsible for employing only licensed barbers in the shop. Any barbershop owner found by the Board of Barber Examiners to employ an unlicensed barber or barbers shall be fined Five Hundred Dollars ($500.00) payable into the State General Fund, and shall be subject to closure until those violations are corrected. For any later violation, the fine shall be One Thousand Dollars ($1,000.00). Any barbershop operating within the State of Mississippi without a license after July 1, 1968, shall be subjected to closing by a proper order of a court of competent jurisdiction upon a proper showing that it has failed to comply with the terms of this chapter.

(3) The board may assess against any barbershop owner found to employ an unlicensed barber or barbers any of the following costs that are expended by the board in the conduct of a proceeding for violation of subsection (2): court filing fees,

court costs and the cost of serving process. Any monies collected by the board under this subsection (3) shall be deposited into the special fund operating account of the board.

(4) All new barbershops or change of ownership or location of barbershops shall hereafter pay an initial fee of not more than Twenty-five Dollars ($25.00) in addition to all other fees required before beginning business. The fee shall not be transferable upon change of ownership or location.

(5) All licensees shall notify the State Board of Barber Examiners of the location of the barbershop at which they are employed.

**SECTION 19.** Section 73-5-35, Mississippi Code of 1972, is reenacted as follows:

73-5-35. All barber schools operated in this state shall pay an annual license fee of One Hundred Dollars ($100.00) and the same fee shall be required for renewal of the license to each such school on July 1 of each year. A fee of not more than Twenty-five Dollars ($25.00) shall be required for restoration of an expired license that has been expired for a period of at least thirty (30) days of the renewal date.

The license to operate those schools shall be issued by the Board of Barber Examiners after approval by the board. This license shall not be transferable for any cause and must be renewed annually.

All barber schools operated in this state shall be under the direct supervision of a registered barber instructor at all times.

**SECTION 20.** Section 73-5-37, Mississippi Code of 1972, is reenacted as follows:

73-5-37. Except as provided in Section 33-1-39, every registered barber and barber instructor who continues in active practice or service shall annually on or before the anniversary date of the issuance of his certificate of registration renew the certificate by paying the required fee and meeting all applicable requirements of the State Board of Health. Every certificate of registration which has not been renewed within thirty (30) days of its anniversary date shall expire. A registered barber or barber instructor whose certificate of registration has expired may have his certificate restored immediately upon payment of the renewal fee plus the required restoration fee.

**SECTION 21.** Section 73-5-39, Mississippi Code of 1972, is reenacted as follows:

73-5-39. Any one (1) or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases, or physical or mental ailment, and when done for payment either directly or indirectly, or without payment, for the public generally) constitutes the practice of barbering:

Shaving, trimming the beard or cutting the hair by use of any electric instruments, razors or shears;

Giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical devices;

Singeing, shampooing, coloring or dyeing of the hair or beard, or any chemical services as pertains to hair perms, hair color or straightening;

Applying cosmetic preparations, antiseptics, powders, clays or lotions to scalp, face, neck or upper part of the body.

**SECTION 22.** Section 73-5-41, Mississippi Code of 1972, is reenacted as follows:

73-5-41. The following persons are exempt from the provisions of this chapter, wholly in the proper discharge of their professional duties, to wit:

Persons authorized by the law of Mississippi to practice medicine and surgery.

Commissioned medical or surgical officers of the United States Army, Navy or Marine hospital service.

Registered nurses.

Cosmetologists, and nothing in this chapter shall affect the jurisdiction of the State Board of Cosmetology.

The provision of this section shall not be construed to authorize any of the persons exempted to shave, trim the beard, or cut the hair of any person, or perform any other act that constitutes barbering, for cosmetic purposes, with the exception of persons licensed by the State Board of Cosmetology.

**SECTION 23.** Section 73-5-43, Mississippi Code of 1972, is reenacted and amended as follows:

73-5-43. Each of the following constitutes a misdemeanor, punishable in any court of competent jurisdiction, upon conviction thereof, by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00):

The violation of any of the provisions of Sections 73-5-9, 73-5-33 and 73-5-23; or

Any acts or threats of violence against any members or employees of the board; or

Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentation; or

Practicing or attempting to practice by fraudulent * * * misrepresentation; or

The willful failure to display a certificate of registration as required by Section 73-5-23; or

The use of any room or place for barbering which is also used for residential or business purpose (except for the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco and such commodities as are used or sold in a barbershop) unless a substantial partition of ceiling height separates the portion used for the residence or business purpose from that in which such practice of barbering is carried on.

**SECTION 24.** Section 73-5-45, Mississippi Code of 1972, is reenacted and amended as follows:

73-5-45. Sections 73-5-1 through 73-5-43, Mississippi Code of 1972, which create the State Board of Barber Examiners and prescribe its duties and powers, shall stand repealed as of July 1, * * * 2025.

**SECTION 25.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2311

**Description:** State Board of Health; delete repealer on authority to increase certain fees before July 1, 2020.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | | |
|---|---|---|---|
| 1 | 02/07 | (S) | Referred To Public Health and Welfare; Finance |
| 2 | 02/26 | (S) | DR - TSDP: PH To FI |
| 3 | 02/27 | (S) | Title Suff Do Pass |
| 4 | 03/05 | (S) | Amended |
| 5 | 03/05 | (S) | Passed As Amended {Vote} |
| 6 | 03/09 | (S) | Transmitted To House |
| 7 | 03/13 | (H) | Referred To Appropriations |
| 8 | 06/02 | (H) | Title Suff Do Pass As Amended |
| 9 | 06/10 | (H) | Amended |
| 10 | 06/10 | (H) | Passed As Amended {Vote} |
| 11 | 06/11 | (H) | Returned For Concurrence |
| 12 | 06/18 | (S) | Decline to Concur/Invite Conf |
| 13 | 06/19 | (S) | Conferees Named Bryan,Polk,Fillingane |
| 14 | 06/23 | (H) | Conferees Named Read,Mims,Oliver |
| 15 | 06/23 | (S) | Conference Report Filed |
| 16 | 06/23 | (H) | Conference Report Filed |
| 17 | 06/24 | (S) | Conference Report Adopted {Vote} |
| 18 | 06/24 | (H) | Conference Report Adopted {Vote} |
| 19 | 06/25 | (S) | Motion to Reconsider Entered |
| 20 | 06/28 | (S) | Motion to Reconsider Tabled |
| 21 | 07/02 | (S) | Enrolled Bill Signed |
| 22 | 07/02 | (H) | Enrolled Bill Signed |
| 23 | 07/08 | | Approved by Governor |

**Amendments:**

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for Senate Bill No. 2311
Conference Reports:
Conference Report

**Code Section:** R 021-0027-0207, R 041-0003-0015, R 041-0003-0018, R 041-0003-0065, R 041-0009-0009, R 041-0026-0023, R 041-0026-0101, A 041-0058-0003, R 041-0059-0011, R 041-0059-0017, R 041-0059-0023, R 041-0059-0033, R 041-0059-0035, R 041-0059-0065, R 041-0059-0079, R 041-0067-0012, R 041-0067-0025, R 041-0067-0037, R 041-0067-0039, R 041-0071-0005, R 041-0071-0007, R 041-0075-0007, R 041-0075-0009, R 041-0077-0009, R 041-0077-0025, R 041-0085-0007, R 041-0125-0007, R 043-0011-0007, R 043-0011-0008, R 043-0011-0009, R 043-0011-0013, R 043-0016-0025, R 043-0020-0008, R 043-0020-0011, R 043-0020-0013, R 043-0020-0059, R 045-0014-0031, R 045-0023-0023, R 045-0023-0041, R 045-0023-0045, R 045-0023-0053, R 073-0007-0071, R 073-0010-0009, R 073-0010-0011, R 073-0010-0021, R 073-0014-0017, R 073-0014-0019, R 073-0014-0027, R 073-0014-0031, R 073-0024-0029, R 073-0038-0031, R 073-0055-0013, R 073-0057-0019, R 073-0057-0021, R 073-0057-0027, R 073-0057-0029, R 073-0061-0001, R 073-0061-0003, R 073-0065-0005, R 073-0065-0009, R 073-0065-0011, R 075-0029-0805, R 075-0031-0065, R 075-0074-0011

**----- Additional Information -----**

***Senate Committee:*** Public Health and Welfare, Finance
***House Committee:*** Appropriations

***Principal Author:*** Bryan

***Title:*** AN ACT TO REENACT SECTIONS 21-27-207, 41-3-15, 41-3-18, 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17, 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12, 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9, 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9, 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59, 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71, 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27, 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21, 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11, 75-29-805, 75-31-65 AND 75-74-11, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE STATE BOARD OF HEALTH TO ASSESS FEES FOR CERTAIN SERVICES; TO AMEND REENACTED SECTION 41-58-3, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO REPEAL SECTION 65, CHAPTER 510, LAWS OF 2016 WHICH PROVIDED FOR THE REPEAL OF THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Bryan

To: Public Health and Welfare; Finance

SENATE BILL NO. 2311
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 21-27-207, 41-3-15, 41-3-18, 41-3-65, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17, 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12, 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9, 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9, 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59, 45-14-31, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71, 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27, 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21, 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11, 75-29-805, 75-31-65 AND 75-74-11, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE STATE BOARD OF HEALTH TO ASSESS FEES FOR CERTAIN SERVICES; TO AMEND REENACTED SECTION 41-58-3, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO REPEAL SECTION 65, CHAPTER 510, LAWS OF 2016 WHICH PROVIDED FOR THE REPEAL OF THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 21-27-207, Mississippi Code of 1972, is reenacted as follows:

21-27-207. Both the board and commission may adopt, modify, repeal and promulgate, after due notice and hearing, and may make exceptions to and grant exemptions and variances from and may enforce those rules, regulations and procedures as are necessary or appropriate to effectuate the duties and responsibilities of these agencies arising under Sections 21-27-201 through 21-27-221.

The rules, regulations and procedures shall include, but not be limited to, the following: criteria for classifying municipal and domestic community water systems, nontransient, noncommunity water systems and wastewater facilities; qualifications for operators of community water systems, nontransient, noncommunity water systems and wastewater facilities; certification of operators of commercial Class I rubbish sites; procedures for examining or testing applicants for operator certificates; procedures and fees for issuing, reissuing, modifying, revoking or terminating operator certificates; and reciprocal certification of operators certified in other states having certification requirements not less stringent than those established by the board and commission. Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 2.** Section 41-3-15, Mississippi Code of 1972, is reenacted as follows:

41-3-15. (1) (a) There shall be a State Department of Health.

(b) The State Board of Health shall have the following powers and duties:

(i) To formulate the policy of the State Department of Health regarding public health matters within the jurisdiction of the department;

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations

implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, and as the board may deem necessary;

(iii) To apply for, receive, accept and expend any federal or state funds or contributions, gifts, trusts, devises, bequests, grants, endowments or funds from any other source or transfers of property of any kind;

(iv) To enter into, and to authorize the executive officer to execute contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if it finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature;

(v) To appoint, upon recommendation of the Executive Officer of the State Department of Health, a Director of Internal Audit who shall be either a Certified Public Accountant or Certified Internal Auditor, and whose employment shall be continued at the discretion of the board, and who shall report directly to the board, or its designee; and

(vi) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.

(c) The Executive Officer of the State Department of Health shall have the following powers and duties:

(i) To administer the policies of the State Board of Health within the authority granted by the board;

(ii) To supervise and direct all administrative and technical activities of the department, except that the department's internal auditor shall be subject to the sole supervision and direction of the board;

(iii) To organize the administrative units of the department in accordance with the plan adopted by the board and, with board approval, alter the organizational plan and reassign responsibilities as he or she may deem necessary to carry out the policies of the board;

(iv) To coordinate the activities of the various offices of the department;

(v) To employ, subject to regulations of the State Personnel Board, qualified professional personnel in the subject matter or fields of each office, and such other technical and clerical staff as may be required for the operation of the department. The executive officer shall be the appointing authority for the department, and shall have the power to delegate the authority to appoint or dismiss employees to appropriate subordinates, subject to the rules and regulations of the State Personnel Board;

(vi) To recommend to the board such studies and investigations as he or she may deem appropriate, and to carry out the approved recommendations in conjunction with the various offices;

(vii) To prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof, including a detailed statement of expenditures of the department and any recommendations the board may have;

(viii) To prepare and deliver to the Chairmen of the Public Health and Welfare/Human Services Committees of the Senate and House on or before January 1 of each year, a plan for monitoring infant mortality in Mississippi and a full report of the work of the department on reducing Mississippi's infant mortality and morbidity rates and improving the status of maternal and infant health; and

(ix) To enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those

purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

(2) The State Board of Health shall have the authority to establish an Office of Rural Health within the department. The duties and responsibilities of this office shall include the following:

(a) To collect and evaluate data on rural health conditions and needs;

(b) To engage in policy analysis, policy development and economic impact studies with regard to rural health issues;

(c) To develop and implement plans and provide technical assistance to enable community health systems to respond to various changes in their circumstances;

(d) To plan and assist in professional recruitment and retention of medical professionals and assistants; and

(e) To establish information clearinghouses to improve access to and sharing of rural health care information.

(3) The State Board of Health shall have general supervision of the health interests of the people of the state and to exercise the rights, powers and duties of those acts which it is authorized by law to enforce.

(4) The State Board of Health shall have authority:

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect

of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

(b) To make such sanitary investigations as it may, from time to time, deem necessary for the protection and improvement of health and to investigate nuisance questions that affect the security of life and health within the state.

(c) To direct and control sanitary and quarantine measures for dealing with all diseases within the state possible to suppress same and prevent their spread.

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the prevention of disease or the promotion of health in this state.

(e) To charge and collect reasonable fees for health services, including immunizations, inspections and related activities, and the board shall charge fees for those services; however, if it is determined that a person receiving services is unable to pay the total fee, the board shall collect any amount that the person is able to pay. Any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65.

(f) (i) To establish standards for, issue permits and exercise control over, any cafes, restaurants, food or drink

stands, sandwich manufacturing establishments, and all other establishments, other than churches, church-related and private schools, and other nonprofit or charitable organizations, where food or drink is regularly prepared, handled and served for pay; and

(ii) To require that a permit be obtained from the Department of Health before those persons begin operation. If any such person fails to obtain the permit required in this subparagraph (ii), the State Board of Health, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed One Thousand Dollars ($1,000.00) for each violation. However, the department is not authorized to impose a monetary penalty against any person whose gross annual prepared food sales are less than Five Thousand Dollars ($5,000.00). Money collected by the board under this subparagraph (ii) shall be deposited to the credit of the State General Fund of the State Treasury.

(g) To promulgate rules and regulations and exercise control over the production and sale of milk pursuant to the provisions of Sections 75-31-41 through 75-31-49.

(h) On presentation of proper authority, to enter into and inspect any public place or building where the State Health Officer or his representative deems it necessary and proper to enter for the discovery and suppression of disease and for the enforcement of any health or sanitary laws and regulations in the state.

(i) To conduct investigations, inquiries and hearings, and to issue subpoenas for the attendance of witnesses and the production of books and records at any hearing when authorized and required by statute to be conducted by the State Health Officer or the State Board of Health.

(j) To promulgate rules and regulations, and to collect data and information, on (i) the delivery of services through the practice of telemedicine; and (ii) the use of electronic records for the delivery of telemedicine services.

(k) To enforce and regulate domestic and imported fish as authorized under Section 69-7-601 et seq.

(5) (a) The State Board of Health shall have the authority, in its discretion, to establish programs to promote the public health, to be administered by the State Department of Health. Specifically, those programs may include, but shall not be limited to, programs in the following areas:

(i) Maternal and child health;

(ii) Family planning;

(iii) Pediatric services;

(iv) Services to crippled and disabled children;

(v) Control of communicable and noncommunicable disease;

(vi) Chronic disease;

(vii) Accidental deaths and injuries;

(viii) Child care licensure;

(ix) Radiological health;

(x) Dental health;

(xi) Milk sanitation;

(xii) Occupational safety and health;

(xiii) Food, vector control and general sanitation;

(xiv) Protection of drinking water;

(xv) Sanitation in food handling establishments open to the public;

(xvi) Registration of births and deaths and other vital events;

(xvii) Such public health programs and services as may be assigned to the State Board of Health by the Legislature or by executive order; and

(xviii) Regulation of domestic and imported fish for human consumption.

(b) The State Board of Health and State Department of Health shall not be authorized to sell, transfer, alienate or otherwise dispose of any of the home health agencies owned and operated by the department on January 1, 1995, and shall not be authorized to sell, transfer, assign, alienate or otherwise dispose of the license of any of those home health agencies, except upon the specific authorization of the Legislature by an amendment to this section. However, this paragraph (b) shall not prevent the board or the department from closing or terminating

the operation of any home health agency owned and operated by the department, or closing or terminating any office, branch office or clinic of any such home health agency, or otherwise discontinuing the providing of home health services through any such home health agency, office, branch office or clinic, if the board first demonstrates that there are other providers of home health services in the area being served by the department's home health agency, office, branch office or clinic that will be able to provide adequate home health services to the residents of the area if the department's home health agency, office, branch office or clinic is closed or otherwise discontinues the providing of home health services. This demonstration by the board that there are other providers of adequate home health services in the area shall be spread at length upon the minutes of the board at a regular or special meeting of the board at least thirty (30) days before a home health agency, office, branch office or clinic is proposed to be closed or otherwise discontinue the providing of home health services.

(c) The State Department of Health may undertake such technical programs and activities as may be required for the support and operation of those programs, including maintaining physical, chemical, bacteriological and radiological laboratories, and may make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the state.

(6) (a) The State Board of Health shall administer the local governments and rural water systems improvements loan program in accordance with the provisions of Section 41-3-16.

(b) The State Board of Health shall have authority:

(i) To enter into capitalization grant agreements with the United States Environmental Protection Agency, or any successor agency thereto;

(ii) To accept capitalization grant awards made under the federal Safe Drinking Water Act, as amended;

(iii) To provide annual reports and audits to the United States Environmental Protection Agency, as may be required by federal capitalization grant agreements; and

(iv) To establish and collect fees to defray the reasonable costs of administering the revolving fund or emergency fund if the State Board of Health determines that those costs will exceed the limitations established in the federal Safe Drinking Water Act, as amended. The administration fees may be included in loan amounts to loan recipients for the purpose of facilitating payment to the board; however, those fees may not exceed five percent (5%) of the loan amount.

(7) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The department shall issue a license to Alexander Milne Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the construction, conversion, expansion and operation of not more than

forty-five (45) beds for developmentally disabled adults who have been displaced from New Orleans, Louisiana, with the beds to be located in a certified ICF-MR facility in the City of Laurel, Mississippi. There shall be no prohibition or restrictions on participation in the Medicaid program for the person receiving the license under this subsection (7). The license described in this subsection shall expire five (5) years from the date of its issue. The license authorized by this subsection shall be issued upon the initial payment by the licensee of an application fee of Sixty-seven Thousand Dollars ($67,000.00) and a monthly fee of Sixty-seven Thousand Dollars ($67,000.00) after the issuance of the license, to be paid as long as the licensee continues to operate. The initial and monthly licensing fees shall be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(8) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to issue a license to an existing home health agency for the transfer of a county from that agency to another existing home health agency, and to charge a fee for reviewing and making a determination on the application for such transfer not to exceed one-half (1/2) of the authorized fee assessed for the original application for the home health agency, with the revenue to be deposited by the State

Department of Health into the special fund created under Section 41-7-188.

(9) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: For the period beginning July 1, 2010, through July 1, 2017, the State Department of Health is authorized and empowered to assess a fee in addition to the fee prescribed in Section 41-7-188 for reviewing applications for certificates of need in an amount not to exceed twenty-five one-hundredths of one percent (.25 of 1%) of the amount of a proposed capital expenditure, but shall be not less than Two Hundred Fifty Dollars ($250.00) regardless of the amount of the proposed capital expenditure, and the maximum additional fee permitted shall not exceed Fifty Thousand Dollars ($50,000.00). Provided that the total assessments of fees for certificate of need applications under Section 41-7-188 and this section shall not exceed the actual cost of operating the certificate of need program.

(10) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to extend and renew any certificate of need that has expired, and to charge a fee for reviewing and making a determination on the application for such action not to exceed one-half (1/2) of the authorized fee assessed for the original application for the certificate of need,

with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(11) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to revoke, immediately, the license and require closure of any institution for the aged or infirm, including any other remedy less than closure to protect the health and safety of the residents of said institution or the health and safety of the general public.

(12) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to require the temporary detainment of individuals for disease control purposes based upon violation of any order of the State Health Officer, as provided in Section 41-23-5. For the purpose of enforcing such orders of the State Health Officer, persons employed by the department as investigators shall have general arrest powers. All law enforcement officers are authorized and directed to assist in the enforcement of such orders of the State Health Officer.

**SECTION 3.** Section 41-3-18, Mississippi Code of 1972, is reenacted as follows:

41-3-18. (1) The board shall assess fees in the following amounts and for the following purposes:

(a) Food establishment annual permit fee, based on the assessment factors of the establishment as follows:

Assessment Category 1.....$ 30.00

Assessment Category 2..... 100.00

Assessment Category 3..... 150.00

Assessment Category 4..... 200.00

(b) Private water supply approval fee.....$ 10.00

The board may develop such reasonable standards, rules and regulations to clearly define each assessment category. Assessment categories shall be based upon the factors to the public health implications of the category and type of food preparation being utilized by the food establishment, utilizing the model Food Code of 1995, or as may be amended by the federal Food and Drug Administration.

Any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) The fee authorized under subsection (1)(a) of this section shall not be assessed for:

(a) Food establishments operated by public schools, public junior and community colleges, or state agencies or institutions, including, without limitation, the state institutions of higher learning and the State Penitentiary; and

(b) Persons who make infrequent casual sales of honey and who pack or sell less than five hundred (500) gallons of honey

per year, and those persons shall not be inspected by the State Department of Health unless requested by the producer.

(3) The fee authorized under subsection (1)(b) of this section shall not be assessed for private water supplies used by foster homes licensed by the Department of Human Services.

**SECTION 4.** Section 41-3-65, Mississippi Code of 1972, is reenacted as follows:

41-3-65. Except as otherwise provided by law, the State Board of Health or the State Department of Health may increase the amount of any fee charged by the board or the department for providing a service, including the issuance and renewal of licenses and registrations, not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than fifteen percent (15%) of the amount of the fee in effect at the time of the increase.

**SECTION 5.** Section 41-9-9, Mississippi Code of 1972, is reenacted as follows:

41-9-9. (1) An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under Section 41-9-17. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee

of Twenty Dollars ($20.00) for each licensed bed in the hospital, which shall be paid to the licensing agency, with a minimum fee of Five Hundred Dollars ($500.00) per hospital and a maximum fee of Five Thousand Dollars ($5,000.00), and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by rule or regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

(2) The appropriate licensure fee, according to the schedule herein, shall be paid to the licensing agency and may be paid by check, draft or money order. A license shall not be issued to any hospital until such fee is received by the licensing agency.

(3) A fee known as a "User Fee" shall be applicable and shall be paid to the licensing agency as set out in subsection (2) of this section. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65. This user fee shall be assessed for the purpose of the required reviewing and inspections of the proposal of any hospital in which there are additions,

renovations, modernizations, expansion, alterations, conversions, modifications or replacement of the entire facility involved in such proposal. This fee includes the reviewing of architectural plans in all steps required. There shall be a minimum user fee of Fifty Dollars ($50.00) and a maximum user fee of Five Thousand Dollars ($5,000.00).

**SECTION 6.** Section 41-26-23, Mississippi Code of 1972, is reenacted as follows:

41-26-23. (1) There is created in the State Treasury a fund to be designated as the "Drinking Water Quality Analysis Fund." The fund shall be treated as a special trust fund. Interest earned on the principal in the fund shall be credited by the Treasurer to the fund. The fund may receive monies from any available public or private source, including fees, proceeds and grants. The department shall expend or utilize monies in the fund to pay all reasonable direct and indirect costs of water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended. Monies in the fund at the end of the fiscal year shall be retained in the fund for use in the succeeding fiscal year. Except as provided in subsection (5) of this section, if the annual fees collected exceed the cost of administering the water quality analysis program in that fiscal year, the excess shall be applied to the cost of administering the program in the succeeding fiscal year. In the succeeding fiscal year, the total to be collected from fees shall be reduced by the

excess retained in the fund and the assessment rates shall be adjusted proportionately.

(2) The department annually shall assess and collect fees for water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, which shall not exceed Three Dollars ($3.00) per connection or Forty Thousand Dollars ($40,000.00) per system, whichever is less. Any increase in the fees charged by the department under this subsection shall be in accordance with the provisions of Section 41-3-65. The department annually shall adopt by rule, in accordance with the Administrative Procedures Law and following a public hearing, a fee schedule to cover all reasonable direct and indirect costs of water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended. In adopting a fee schedule, the department shall consider the recommendations of the advisory committee created in this section, if those recommendations are made in a timely manner as provided.

(3) An advisory committee is created to study the program needs and costs for the implementation of the water quality analysis program and to conduct an annual review of the needs and costs of administering that program. The annual review shall include an independent recommendation on an equitable fee schedule for the succeeding fiscal year. Each annual review report shall be due to the department by May 1. The advisory committee shall consist of one (1) member appointed by the Mississippi Rural Water

Association, one (1) member appointed by the Mississippi Municipal Association, one (1) member appointed by the Mississippi Association of Supervisors and one (1) member appointed by the Mississippi Water and Pollution Control Operators Association, Inc.

(4) All suppliers of water for which water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, are performed by the State Department of Health shall pay the water quality analysis fee within forty-five (45) days following receipt of an invoice from the department. In the discretion of the department, any supplier of water required to pay the fee shall be liable for a penalty equal to a maximum of two (2) times the amount of fees due and payable plus an amount necessary to reimburse the costs of delinquent fee collection for failure to pay the fee within ninety (90) days following the receipt of the invoice. Any person making sales to customers of water for residential, noncommercial or nonagricultural use and who recovers the fee required by this section or any portion thereof from any customer shall indicate on each statement rendered to customers that these fees are for water quality analyses required by the federal government under the Safe Drinking Water Act, as amended.

(5) There is created within the Drinking Water Quality Analysis Fund an equipment capital expenditure account, hereinafter referred to as the "account." The department may

transfer any excess fees, not exceeding ten percent (10%) of the total fees assessed under this section, to the account. The balance in the account shall not exceed Five Hundred Thousand Dollars ($500,000.00). Funds in the account shall be used by the department, as appropriated by the Legislature, to defray the costs of purchasing new equipment or repairing existing equipment for the analysis of drinking water.

**SECTION 7.** Section 41-26-101, Mississippi Code of 1972, is reenacted as follows:

41-26-101. (1) Each member elected or reelected after June 30, 1998, to serve on a governing board of any community public water system, except systems operated by municipalities with a population greater than ten thousand (10,000), shall attend a minimum of eight (8) hours of management training within two (2) years following the election of that board member. Any member failing to complete the management training within two (2) years after his election shall be subject to removal from the board by the remaining members. If a board member has undergone training and is reelected to the board, that board member shall not be required to attend training as provided by this subsection.

(2) The management training shall be organized by the State Department of Health, in cooperation with the Mississippi Rural Water Association and other organizations. The management training shall include information on water system management and financing, rate setting and structures, operations and

maintenance, applicable laws and regulations, ethics, the duties and responsibilities of a board member and other information deemed necessary by the department after consultation with the association and other organizations. The department shall develop and provide all training materials. The department may charge a fee not to exceed Seventy-five Dollars ($75.00) per member to defray the actual costs of providing the materials and training. These costs shall be reimbursed to the board member as an expense of the community public water system. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 41-3-65.

(3) To avoid board members having to interfere with their jobs or employment, management training sessions may be divided into segments and, to the greatest extent possible, shall be scheduled for evening sessions. The department shall conduct management training on a regional basis and shall use community college or other public facilities for the convenience of board members.

(4) The department may make exceptions to and grant exemptions and variances to the requirements of this section for good cause shown.

**SECTION 8.** Section 41-58-3, Mississippi Code of 1972, is amended as follows:

41-58-3. (1) The department shall have full authority to adopt such rules and regulations not inconsistent with the laws of

this state as may be necessary to effectuate the provisions of this chapter, and may amend or repeal the same as may be necessary for such purposes.

(2) There shall be established a Medical Radiation Advisory Council to be appointed as provided in this section. The council shall consist of * * * ten (10) members as follows:

(a) One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;

(b) One (1) licensed family physician;

(c) One (1) licensed practitioner;

(d) Two (2) registered radiologic technologists;

(e) One (1) nuclear medicine technologist;

(f) One (1) radiation therapist;

(g) One (1) radiation physicist;

(h) One (1) hospital administrator; and

(i) The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

(3) The department shall, following the recommendations from the appropriate professional state societies and organizations, including the Mississippi Radiological Society, the Mississippi Society of Radiologic Technologists, and the Mississippi State Nuclear Medicine Society, and other nominations that may be received from whatever source, appoint the members of the council as soon as possible after * * * April 13, 1996. Any person serving on the council who is a practitioner of a profession or

occupation required to be licensed, credentialed or certified in the state shall be a holder of an appropriate license, credential or certificate issued by the state. All members of the council shall be residents of the State of Mississippi. The council shall promulgate such rules and regulations by which it shall conduct its business. Members of the council shall receive no salary for services performed on the council but may be reimbursed for their reasonable and necessary actual expenses incurred in the performance of the same, from funds provided for such purpose. The council shall assist and advise the department in the development of regulations and standards to effectuate the provisions of this chapter.

(4) A radiologic technologist, nuclear medicine technologist or radiation therapist shall not apply ionizing or x-radiation or administer radiopharmaceuticals to a human being or otherwise engage in the practice of medical radiation technology unless the person possesses a valid registration issued by the department under the provisions of this chapter.

(5) The department may issue a temporary registration to practice a specialty of medical radiation technology to any applicant who has completed an approved program, who has complied with the provisions of this chapter, and is awaiting examination for that specialty. This registration shall convey the same rights as the registration for which the applicant is awaiting examination and shall be valid for one (1) six-month period.

(6) The department may charge a registration fee of not more than Fifty Dollars ($50.00) biennially to each person to whom it issues a registration under the provisions of this chapter. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 41-3-65.

(7) Registration with the department is not required for:

(a) A student enrolled in and participating in an accredited course of study approved by the department for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic technologist, registered nuclear medicine technologist or registered radiation therapist;

(b) Laboratory personnel who use radiopharmaceuticals for in vitro studies;

(c) A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

(d) A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of

Chiropractic Examiners and applies ionizing radiation under the specific direction of a licensed chiropractor;

(e) An individual who is permitted as a limited x-ray machine operator by the State Board of Medical Licensure and applies ionizing radiation in a physician's office, radiology clinic or a licensed hospital in Mississippi under the specific direction of a licensed practitioner; and

(f) A student enrolled in and participating in an accredited course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy and is employed by a physician's office, radiology clinic or a licensed hospital in Mississippi and applies ionizing radiation under the specific direction of a licensed practitioner.

(8) Nothing in this chapter is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by this chapter are within the scope of practice of the licensee or registrant.

(9) (a) If any radiologic technologist, nuclear medicine technologist or radiation therapist violates any provision of this chapter or the regulations adopted by the department, the department shall suspend or revoke the registration and practice privileges of the person or issue other disciplinary actions in

accordance with statutory procedures and rules and regulations of the department.

(b) If any person violates any provision of this chapter, the department shall issue a written warning to the licensed practitioner or medical institution that employs the person; and if that person violates any provision of this chapter again within three (3) years after the first violation, the department may suspend or revoke the permit or registration for the x-radiation and ionizing equipment of the licensed practitioner or medical institution that employs the person, in accordance with statutory procedures and rules and regulations of the department regarding suspension and revocation of those permits or registrations.

(10) This section shall stand repealed on July 1, 2023.

**SECTION 9.** Section 41-59-11, Mississippi Code of 1972, is reenacted as follows:

41-59-11. Application for license shall be made to the board by private firms or nonfederal governmental agencies. The application shall be made upon forms in accordance with procedures established by the board and shall contain the following:

(a) The name and address of the owner of the ambulance service or proposed ambulance service;

(b) The name in which the applicant is doing business or proposes to do business;

(c) A description of each ambulance including the make, model, year of manufacture, motor and chassis numbers, color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;

(d) The location and description of the place or places from which the ambulance service is intended to operate; and

(e) Such other information as the board shall deem necessary.

Each application for a license shall be accompanied by a license fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 10.** Section 41-59-17, Mississippi Code of 1972, is reenacted as follows:

41-59-17. (1) The board is authorized to suspend or revoke a license whenever it determines that the holder no longer meets the requirements prescribed for operating an ambulance service.

(2) A license issued under this chapter may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. Renewal of any license issued under the provisions of this chapter shall require conformance with all the requirements of this chapter as upon original licensing.

**SECTION 11.** Section 41-59-23, Mississippi Code of 1972, is reenacted as follows:

41-59-23. (1) Before a vehicle can be operated as an ambulance, its licensed owner must apply for and receive an ambulance permit issued by the board for such vehicle. Application shall be made upon forms and according to procedures established by the board. Each application for an ambulance permit shall be accompanied by a permit fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. Prior to issuing an original or renewal permit for an ambulance, the vehicle for which the permit is issued shall be inspected and a determination made that the vehicle meets all requirements as to vehicle design, sanitation, construction, medical equipment and supplies set forth in this chapter and regulations promulgated by the board. Permits issued for ambulance shall be valid for a period not to exceed one (1) year.

(2) The board is authorized to suspend or revoke an ambulance permit any time it determines that the vehicle and/or its equipment no longer meets the requirements specified by this chapter and regulations promulgated by the board.

(3) The board may issue temporary permits valid for a period not to exceed ninety (90) days for ambulances not meeting required

standards when it determines the public interest will thereby be served.

(4) When a permit has been issued for an ambulance as specified herein, the ambulance records relating to maintenance and operation of such ambulance shall be open to inspection by a duly authorized representative of the board during normal working hours.

(5) An ambulance permit issued under this chapter may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. Renewal of any ambulance permit issued under the provisions of this chapter shall require conformance with all requirements of this chapter.

**SECTION 12.** Section 41-59-33, Mississippi Code of 1972, is reenacted as follows:

41-59-33. (1) Any person desiring certification as an emergency medical technician shall apply to the board using forms prescribed by the board. Each application for an emergency medical technician certificate shall be accompanied by a certificate fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65. Upon the successful completion of the board's approved emergency medical technical training program, the board shall make

a determination of the applicant's qualifications as an emergency medical technician as set forth in the regulations promulgated by the board, and shall issue an emergency medical technician certificate to the applicant.

(2) Any person who desires to exercise the privilege to practice under the Emergency Medical Services Personnel Licensure Interstate Compact must complete the terms and provisions of the Compact as prescribed in Section 41-59-101.

**SECTION 13.** Section 41-59-35, Mississippi Code of 1972, is reenacted as follows:

41-59-35. (1) An emergency medical technician certificate so issued shall be valid for a period not exceeding two (2) years from the date of issuance and may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board, provided that the holder meets the qualifications set forth in this Chapter 59 and Chapter 60 and rules and regulations promulgated by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) The board is authorized to suspend or revoke a certificate so issued at any time it is determined that the holder no longer meets the prescribed qualifications.

(3) It shall be unlawful for any person, corporation or association to, in any manner, represent himself, herself or itself as an Emergency Medical Technician-Basic, Emergency Medical

Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, or use in connection with his or its name the words or letters of EMT, emt, paramedic, critical care paramedic, or any other letters, words, abbreviations or insignia which would indicate or imply that he, she or it is an Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, unless certified in accordance with Chapters 59 and 60 of this title and in accordance with the rules and regulations promulgated by the board; or a person who has a privilege to practice under the Emergency Medical Services Personnel Licensure Interstate Compact. It shall be unlawful to employ an uncertified Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, or Emergency Medical Technician-Paramedic Critical Care to provide basic or advanced life-support services.

(4) An EMT, EMT-A, EMR, or Paramedic may transport a police dog injured in the line of duty to a veterinary clinic, hospital emergency department or similar facility if there are no persons requiring medical attention or transport at that time. For the purposes of this subsection, "police dog" means a dog owned or used by a law enforcement department or agency in the course of the department or agency's work, including a search and rescue

dog, service dog, accelerant detection canine, or other dog that is in use by a county, municipal, or state law enforcement agency.

(5) Any Emergency Medical Technician-Basic, Emergency Medical Technician-Advanced, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver who violates or fails to comply with these statutes or the rules and regulations promulgated by the board under these statutes shall be subject, after due notice and hearing, to an administrative fine not to exceed One Thousand Dollars ($1,000.00).

**SECTION 14.** Section 41-59-65, Mississippi Code of 1972, is reenacted as follows:

41-59-65. Either a public or private ambulance service licensed and regulated by the State Board of Health desiring to offer such a membership subscription program shall make application for permit to conduct and implement such program to the State Board of Health. The application shall be made upon forms in accordance with procedures established by the board and shall contain the following:

(a) The name and address of the owner of the ambulance service;

(b) The name in which the applicant is doing business;

(c) The location and description of the place or places from which the ambulance service operates;

(d) The places or areas in which the ambulance service intends to conduct and operate a membership subscription program; and

(e) Such other information as the board shall deem necessary.

Each application for a permit shall be accompanied by a permit fee of Five Hundred Dollars ($500.00), which shall be paid to the board. The permit shall be issued to expire the next ensuing December 31. The permit issued under this section may be renewed upon payment of a renewal fee of Five Hundred Dollars ($500.00), which shall be paid to the board. Renewal of any permit issued under this section shall require conformance with all requirements of this chapter. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 15.** Section 41-59-79, Mississippi Code of 1972, is reenacted as follows:

41-59-79. Any person desiring certification as a medical first responder shall apply to the board using forms prescribed by the board. Each application for a medical first responder certificate shall be accompanied by a certificate fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65. Upon the successful completion of the board's approved medical first

responder training program, the board shall make a determination of the applicant's qualifications as a medical first responder as set forth in the regulations promulgated by the board, and shall issue a medical first responder certificate to the applicant.

**SECTION 16.** Section 41-67-12, Mississippi Code of 1972, is reenacted as follows:

41-67-12. (1) The department shall assess fees in the following amounts for the following purposes:

(a) A fee of One Hundred Dollars ($100.00) shall be levied for soil and site evaluation and recommendation of individual on-site wastewater disposal systems. The department may increase the amount of the fee authorized in this paragraph (a) not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than five percent (5%) of the amount of the fee in effect at the time of the increase.

(b) A fee of One Hundred Fifty Dollars ($150.00) shall be levied once every three (3) years for the certification of installers and pumpers.

(c) A fee of Three Hundred Dollars ($300.00) shall be levied once every three (3) years for the registration of manufacturers.

Any increase in the fee charged by the department under paragraph (b) or (c) of this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) In the discretion of the board, a person shall be liable for a penalty equal to one and one-half (1-1/2) times the amount of the fee due and payable for failure to pay the fee on or before the date due, plus any amount necessary to reimburse the cost of collection.

(3) No fee authorized under this section shall be assessed by the department for state agencies or institutions, including, without limitation, foster homes licensed by the Mississippi Department of Human Services.

**SECTION 17.** Section 41-67-25, Mississippi Code of 1972, is reenacted as follows:

41-67-25. (1) A person may not operate as an installer of individual on-site wastewater disposal systems unless that person is currently certified by the department. A person who installs an individual on-site wastewater disposal system on his own property for his primary residence is not considered an installer for purposes of this subsection.

(2) An installer of advanced treatment systems or products must be a factory-trained and authorized representative. The manufacturer must furnish documentation to the department certifying the satisfactory completion of factory training and the establishment of the installer as an authorized manufacturer's representative.

(3) The department shall issue a certification to an installer if the installer:

(a) Completes an application form that complies with this chapter and rules and regulations adopted by the board;

(b) Satisfactorily completes the training program for installation and maintenance provided by the department;

(c) Pays the certification fee once every three (3) years, which shall be an amount not greater than One Hundred Fifty Dollars ($150.00); any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65; and

(d) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars ($50,000.00) per occurrence and at least One Hundred Thousand Dollars ($100,000.00) in total aggregate amount.

(4) Each installer shall furnish proof of certification to a property owner, lessee, the owner's representative or occupant of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by that installer and to the department or its authorized representative, if requested.

(5) The department shall provide for renewal of certifications once every three (3) years.

(6) (a) An installer's certification may be suspended or revoked by the department after notice and hearing if the

installer violates this chapter or any rule or regulation adopted under this chapter.

(b) The installer may appeal a suspension or revocation under this section as provided by law.

(7) The department shall disseminate to the public an official list of certified installers.

(8) If any person is operating in the state as an installer without certification by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars ($10,000.00) for each violation.

(9) The department shall provide for renewal of installer certifications to be applied for at the local department offices.

**SECTION 18.** Section 41-67-37, Mississippi Code of 1972, is reenacted as follows:

41-67-37. (1) A person may not operate as a certified professional evaluator in this state unless that person is currently certified by the department or is a licensed professional engineer.

(2) A person must meet one (1) of the following requirements, in addition to the additional requirements set forth in other sections of this chapter and rules and regulations of the board, in order to be eligible to become a certified professional evaluator:

(a) Be a professional geologist registered in the State of Mississippi;

(b) Be a professional soil classifier licensed in the State of Mississippi; or

(c) Be a person who possesses a demonstrable, adequate and appropriate record of professional experience and/or training as determined by the department.

(3) The department shall issue a certification to a certified professional evaluator if the certified professional evaluator:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified professional evaluator training program provided by the department;

(c) Pays the certification fee once every three (3) years; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65; and

(d) Provides proof of having an errors and omissions policy or surety in effect with liability limits of at least Fifty Thousand Dollars ($50,000.00) per occurrence and at least One Hundred Thousand Dollars ($100,000.00) in total aggregate amount.

(4) Each certified professional evaluator shall furnish proof of certification to a property owner or the owner's representative of the property before performing a site evaluation of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by

the certified professional evaluator and to the department or its authorized representative, if requested.

(5) The department shall provide for renewal of certifications once every three (3) years.

(6) The department shall disseminate to the public an official list of certified professional evaluators.

(7) If any person who is not a licensed professional engineer operates in the state as a certified professional evaluator without certification by the department, the department, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars ($10,000.00) for each violation.

**SECTION 19.** Section 41-67-39, Mississippi Code of 1972, is reenacted as follows:

41-67-39. (1) A person may not be engaged in the business of removing and disposing of the sludge and liquid waste (septage) from individual on-site wastewater disposal systems in this state unless that person has a valid certificate issued by the department.

(2) The department shall issue a certificate to a pumper if the pumper:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified pumper training program provided by the department;

(c) Satisfactorily complies with the requirements of his/her pumping and hauling equipment;

(d) Provides documentation of a disposal site approved by the Department of Environmental Quality, Office of Pollution Control;

(e) Pays the license fee once every three (3) years; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65; and

(f) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars ($50,000.00) per occurrence and at least One Hundred Thousand Dollars ($100,000.00) in total aggregate amount.

(3) Each pumper or designated agent thereof, upon request, shall furnish proof of certification to an individual before entering a contract with that individual for the removing and disposing of the sludge and liquid waste (septage) from an individual on-site wastewater disposal system.

(4) The department shall disseminate to the public an official list of certified pumpers.

(5) If any person operates in the state as a certified pumper without a license by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars ($10,000.00) for each violation.

(6) The department may suspend or revoke a pumper certification if the pumper disposes of septage or other liquid waste in an unpermitted or unapproved site and/or violates this chapter or rules and regulations under this chapter.

(7) A municipal wastewater treatment facility may make a site available for certified pumpers to dispose of septic or other liquid waste.

(8) The department shall provide for renewal of certifications once every three (3) years.

(9) The department must provide for renewal pumper certifications to be applied for at the local department offices.

**SECTION 20.** Section 41-71-5, Mississippi Code of 1972, is reenacted as follows:

41-71-5. An application for a license shall be made to the licensing agency upon forms provided by the agency and shall contain such information as the agency shall require, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under this chapter. A license fee of One Thousand Dollars ($1,000.00), payable to the licensing agency, shall be submitted with each application. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 21.** Section 41-71-7, Mississippi Code of 1972, is reenacted as follows:

41-71-7. Upon receipt of an application for a license and the license fee, and a determination by the licensing agency that the application is in compliance with Section 41-7-173 et seq. and in compliance with the provisions of this chapter, such license shall be issued. A license, unless suspended or revoked, shall be renewable annually upon payment by the licensee of a renewal fee of One Thousand Dollars ($1,000.00) and upon approval by the licensing agency of an annual report, required to be submitted by the licensee, containing such information in such form and at such time as the licensing agency prescribes by rule or regulation. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the home health agency and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place in the designated business office of the licensee. Each licensee shall designate, in writing, one (1) individual person as the responsible party for the conducting of the business of the home health agency with the licensing agency.

**SECTION 22.** Section 41-75-7, Mississippi Code of 1972, is reenacted as follows:

41-75-7. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such

information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license shall be accompanied by a license fee of Three Thousand Dollars ($3,000.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 23.** Section 41-75-9, Mississippi Code of 1972, is reenacted as follows:

41-75-9. Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section 41-7-173 et seq. where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Three Thousand Dollars ($3,000.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency requires. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the premises and

person or persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 24.** Section 41-77-9, Mississippi Code of 1972, is reenacted as follows:

41-77-9. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license shall be accompanied by a license fee of One Thousand Dollars ($1,000.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 25.** Section 41-77-25, Mississippi Code of 1972, is reenacted as follows:

41-77-25. Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section 41-7-173 et seq., where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Three Hundred Dollars ($300.00), which shall be paid to the licensing agency,

and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency requires. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the premises and person or persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 26.** Section 41-85-7, Mississippi Code of 1972, is reenacted as follows:

41-85-7. (1) The administration of this chapter is vested in the Mississippi Department of Health, which shall:

(a) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for licensure or renewals thereof;

(b) Collect in advance at the time of filing an application for a license or at the time of renewal of a license a fee of One Thousand Dollars ($1,000.00) for each site or location of the licensee; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65;

(c) Levy a fee of Eighteen Dollars ($18.00) per bed for the review of inpatient hospice care; any increase in the fee

charged by the department under this paragraph shall be in accordance with the provisions of Section 41-3-65;

(d) Conduct annual licensure inspections of all licensees which may be the same inspection as the annual Medicare certification inspection; and

(e) Promulgate applicable rules and standards in furtherance of the purpose of this chapter and may amend such rules as may be necessary. The rules shall include, but not be limited to, the following:

(i) The qualifications of professional and ancillary personnel in order to adequately furnish hospice care;

(ii) Standards for the organization and quality of patient care;

(iii) Procedures for maintaining records; and

(iv) Provision for the inpatient component of hospice care and for other professional and ancillary hospice services.

(2) All fees collected by the department under this section shall be used by the department exclusively for the purposes of licensure, regulation, inspection, investigations and discipline of hospices under this chapter.

(3) The State Department of Health shall not process any new applications for hospice licensure or issue any new hospice licenses, except renewals; however, the department shall process applications for new hospice licenses filed during the period from

and including March 27, 2017, through and until July 1, 2017, and shall issue no more than five (5) new hospice licenses in accordance with this chapter so long as the related applicant can show good cause for the issuance of the hospice license(s) for which application is made (including specifically, without limitation, the capability and capacity to provide unique or otherwise unavailable services related to serving patients under eighteen (18) years of age in the service area to which such application relates). If the applicant at the time of filing holds one or more hospice licenses, the applicant must be in good standing with the department regarding those licenses. Not more than two (2) of the new hospice licenses issued under this subsection shall be issued to the same applicant. This subsection (3) shall stand repealed on July 1, 2022.

(4) The provisions of subsection (3) prohibiting the processing of any new applications for hospice licensure shall not be applicable to an application for license reinstatement by a hospice whose license was temporarily suspended as a result of a federal audit by the U.S. Department of Health and Human Services, Office of Inspector General (HHS-OIG), and the audit has been concluded without any penalty imposed by the federal agency.

**SECTION 27.** Section 41-125-7, Mississippi Code of 1972, is reenacted as follows:

41-125-7. (1) Separate licenses are required for PPEC centers maintained on separate premises, even though they are

operated under the same management. Separate licenses are not required for separate buildings on the same grounds.

(2) An applicant or licensee shall pay a fee for each license application and annual license renewal under this chapter and applicable rules. The amount of the fee shall be Twenty Dollars ($20.00) for each licensed bed in the PPEC, with a minimum fee of Five Hundred Dollars ($500.00) and a maximum fee of Five Thousand Dollars ($5,000.00). Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65.

(3) County-operated or municipally operated PPEC centers applying for licensure under this chapter are exempt from the payment of license fees.

**SECTION 28.** Section 43-11-7, Mississippi Code of 1972, is reenacted as follows:

43-11-7. Any person, as defined in Section 43-11-1, may apply for a license as provided in this section. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under this chapter. Each application for a license for an institution for the aged or infirm, except for personal care homes, shall be accompanied by a license fee of Twenty Dollars ($20.00) for each bed in the

institution, with a minimum fee per institution of Two Hundred Dollars ($200.00), which shall be paid to the licensing agency. Each application for a license for a personal care home shall be accompanied by a license fee of Fifteen Dollars ($15.00) for each bed in the institution, with a minimum fee per institution of One Hundred Dollars ($100.00), which shall be paid to the licensing agency.

Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 29.** Section 43-11-8, Mississippi Code of 1972, is reenacted as follows:

43-11-8. (1) An application for a license for an adult foster care facility shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license for an adult foster care facility shall be accompanied by a license fee of Ten Dollars ($10.00) for each person or bed of licensed capacity, with a minimum fee per home or institution of Fifty Dollars ($50.00), which shall be paid to the licensing agency. Any increase in the

fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) A license, unless suspended or revoked, shall be renewable annually upon payment by the licensee of an adult foster care facility, except for personal care homes, of a renewal fee of Ten Dollars ($10.00) for each person or bed of licensed capacity in the institution, with a minimum renewal fee per institution of Fifty Dollars ($50.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 30.** Section 43-11-9, Mississippi Code of 1972, is reenacted as follows:

43-11-9. (1) Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section

41-7-173 et seq., where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment by (a) the licensee of an institution for the aged or infirm, except for personal care homes, of a renewal fee of Twenty Dollars ($20.00) for each bed in the institution, with a minimum fee per institution of Two Hundred Dollars ($200.00), or (b) the licensee of a personal care home of a renewal fee of Fifteen Dollars ($15.00) for each bed in the institution, with a minimum fee per institution of One Hundred Dollars ($100.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 41-3-65. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

(2) A fee known as a "User Fee" shall be applicable and shall be paid to the licensing agency as set out in subsection (1) of this section. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the

provisions of Section 41-3-65. This user fee shall be assessed for the purpose of the required reviewing and inspections of the proposal of any institution in which there are additions, renovations, modernizations, expansion, alterations, conversions, modifications or replacement of the entire facility involved in such proposal. This fee includes the reviewing of architectural plans in all steps required. There shall be a minimum user fee of Fifty Dollars ($50.00) and a maximum user fee of Five Thousand Dollars ($5,000.00).

(3) No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 31.** Section 43-11-13, Mississippi Code of 1972, is reenacted as follows:

43-11-13. (1) The licensing agency shall adopt, amend, promulgate and enforce such rules, regulations and standards, including classifications, with respect to all institutions for the aged or infirm to be licensed under this chapter as may be designed to further the accomplishment of the purpose of this chapter in promoting adequate care of individuals in those institutions in the interest of public health, safety and welfare. Those rules, regulations and standards shall be adopted and promulgated by the licensing agency and shall be recorded and indexed in a book to be maintained by the licensing agency in its main office in the State of Mississippi, entitled "Rules, Regulations and Minimum Standards for Institutions for the Aged or

Infirm" and the book shall be open and available to all institutions for the aged or infirm and the public generally at all reasonable times. Upon the adoption of those rules, regulations and standards, the licensing agency shall mail copies thereof to all those institutions in the state that have filed with the agency their names and addresses for this purpose, but the failure to mail the same or the failure of the institutions to receive the same shall in no way affect the validity thereof. The rules, regulations and standards may be amended by the licensing agency, from time to time, as necessary to promote the health, safety and welfare of persons living in those institutions.

(2) The licensee shall keep posted in a conspicuous place on the licensed premises all current rules, regulations and minimum standards applicable to fire protection measures as adopted by the licensing agency. The licensee shall furnish to the licensing agency at least once each six (6) months a certificate of approval and inspection by state or local fire authorities. Failure to comply with state laws and/or municipal ordinances and current rules, regulations and minimum standards as adopted by the licensing agency, relative to fire prevention measures, shall be prima facie evidence for revocation of license.

(3) The State Board of Health shall promulgate rules and regulations restricting the storage, quantity and classes of drugs allowed in personal care homes and adult foster care facilities. Residents requiring administration of Schedule II Narcotics as

defined in the Uniform Controlled Substances Law may be admitted to a personal care home. Schedule drugs may only be allowed in a personal care home if they are administered or stored utilizing proper procedures under the direct supervision of a licensed physician or nurse.

(4) (a) Notwithstanding any determination by the licensing agency that skilled nursing services would be appropriate for a resident of a personal care home, that resident, the resident's guardian or the legally recognized responsible party for the resident may consent in writing for the resident to continue to reside in the personal care home, if approved in writing by a licensed physician. However, no personal care home shall allow more than two (2) residents, or ten percent (10%) of the total number of residents in the facility, whichever is greater, to remain in the personal care home under the provisions of this subsection (4). This consent shall be deemed to be appropriately informed consent as described in the regulations promulgated by the licensing agency. After that written consent has been obtained, the resident shall have the right to continue to reside in the personal care home for as long as the resident meets the other conditions for residing in the personal care home. A copy of the written consent and the physician's approval shall be forwarded by the personal care home to the licensing agency.

(b) The State Board of Health shall promulgate rules and regulations restricting the handling of a resident's personal

deposits by the director of a personal care home. Any funds given or provided for the purpose of supplying extra comforts, conveniences or services to any resident in any personal care home, and any funds otherwise received and held from, for or on behalf of any such resident, shall be deposited by the director or other proper officer of the personal care home to the credit of that resident in an account that shall be known as the Resident's Personal Deposit Fund. No more than one (1) month's charge for the care, support, maintenance and medical attention of the resident shall be applied from the account at any one time. After the death, discharge or transfer of any resident for whose benefit any such fund has been provided, any unexpended balance remaining in his personal deposit fund shall be applied for the payment of care, cost of support, maintenance and medical attention that is accrued. If any unexpended balance remains in that resident's personal deposit fund after complete reimbursement has been made for payment of care, support, maintenance and medical attention, and the director or other proper officer of the personal care home has been or shall be unable to locate the person or persons entitled to the unexpended balance, the director or other proper officer may, after the lapse of one (1) year from the date of that death, discharge or transfer, deposit the unexpended balance to the credit of the personal care home's operating fund.

(c) The State Board of Health shall promulgate rules and regulations requiring personal care homes to maintain records

relating to health condition, medicine dispensed and administered, and any reaction to that medicine. The director of the personal care home shall be responsible for explaining the availability of those records to the family of the resident at any time upon reasonable request.

(5) (a) For the purposes of this subsection (5):

(i) "Licensed entity" means a hospital, nursing home, personal care home, home health agency, hospice or adult foster care facility;

(ii) "Covered entity" means a licensed entity or a health care professional staffing agency;

(iii) "Employee" means any individual employed by a covered entity, and also includes any individual who by contract provides to the patients, residents or clients being served by the covered entity direct, hands-on, medical patient care in a patient's, resident's or client's room or in treatment or recovery rooms. The term "employee" does not include health care professional/vocational technical students performing clinical training in a licensed entity under contracts between their schools and the licensed entity, and does not include students at high schools located in Mississippi who observe the treatment and care of patients in a licensed entity as part of the requirements of an allied-health course taught in the high school, if:

1. The student is under the supervision of a licensed health care provider; and

2. The student has signed an affidavit that is on file at the student's school stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony listed in paragraph (d) of this subsection (5), or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. Before any student may sign such an affidavit, the student's school shall provide information to the student explaining what a felony is and the nature of the felonies listed in paragraph (d) of this subsection (5).

However, the health care professional/vocational technical academic program in which the student is enrolled may require the student to obtain criminal history record checks. In such incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does not preclude the licensing entity from processing submitted fingerprints of students from healthcare-related professional/vocational technical programs who, as part of their program of study, conduct observations and provide clinical care and services in a covered entity.

(b) Under regulations promulgated by the State Board of Health, the licensing agency shall require to be performed a criminal history record check on (i) every new employee of a covered entity who provides direct patient care or services and who is employed on or after July 1, 2003, and (ii) every employee of a covered entity employed before July 1, 2003, who has a documented disciplinary action by his or her present employer. In

addition, the licensing agency shall require the covered entity to perform a disciplinary check with the professional licensing agency of each employee, if any, to determine if any disciplinary action has been taken against the employee by that agency.

Except as otherwise provided in paragraph (c) of this subsection (5), no such employee hired on or after July 1, 2003, shall be permitted to provide direct patient care until the results of the criminal history record check have revealed no disqualifying record or the employee has been granted a waiver. In order to determine the employee applicant's suitability for employment, the applicant shall be fingerprinted. Fingerprints shall be submitted to the licensing agency from scanning, with the results processed through the Department of Public Safety's Criminal Information Center. The fingerprints shall then be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The licensing agency shall notify the covered entity of the results of an employee applicant's criminal history record check. If the criminal history record check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault, or felonious abuse and/or battery of a vulnerable adult that has not been reversed on appeal or for which

a pardon has not been granted, the employee applicant shall not be eligible to be employed by the covered entity.

(c) Any such new employee applicant may, however, be employed on a temporary basis pending the results of the criminal history record check, but any employment contract with the new employee shall be voidable if the new employee receives a disqualifying criminal history record check and no waiver is granted as provided in this subsection (5).

(d) Under regulations promulgated by the State Board of Health, the licensing agency shall require every employee of a covered entity employed before July 1, 2003, to sign an affidavit stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. No such employee of a covered entity hired before July 1, 2003, shall be permitted to provide direct patient care until the employee has signed the affidavit required by this paragraph (d). All such existing employees of covered entities must sign the affidavit required by this paragraph (d) within six (6) months of the final adoption of the regulations promulgated by the State Board of Health. If a person

signs the affidavit required by this paragraph (d), and it is later determined that the person actually had been convicted of or pleaded guilty or nolo contendere to any of the offenses listed in this paragraph (d) and the conviction or plea has not been reversed on appeal or a pardon has not been granted for the conviction or plea, the person is guilty of perjury. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a violent offense, the person, upon a conviction of perjury under this paragraph, shall be punished as provided in Section 97-9-61. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a nonviolent offense, the person, upon a conviction of perjury under this paragraph, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

(e) The covered entity may, in its discretion, allow any employee who is unable to sign the affidavit required by paragraph (d) of this subsection (5) or any employee applicant aggrieved by an employment decision under this subsection (5) to appear before the covered entity's hiring officer, or his or her designee, to show mitigating circumstances that may exist and allow the employee or employee applicant to be employed by the covered entity. The covered entity, upon report and recommendation of the hiring officer, may grant waivers for those mitigating circumstances, which shall include, but not be limited

to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the individual to perform the employment responsibilities competently and that the individual does not pose a threat to the health or safety of the patients of the covered entity.

(f) The licensing agency may charge the covered entity submitting the fingerprints a fee not to exceed Fifty Dollars ($50.00), which covered entity may, in its discretion, charge the same fee, or a portion thereof, to the employee applicant. Any increase in the fee charged by the licensing agency under this paragraph shall be in accordance with the provisions of Section 41-3-65. Any costs incurred by a covered entity implementing this subsection (5) shall be reimbursed as an allowable cost under Section 43-13-116.

(g) If the results of an employee applicant's criminal history record check reveals no disqualifying event, then the covered entity shall, within two (2) weeks of the notification of no disqualifying event, provide the employee applicant with a notarized letter signed by the chief executive officer of the covered entity, or his or her authorized designee, confirming the employee applicant's suitability for employment based on his or her criminal history record check. An employee applicant may use

that letter for a period of two (2) years from the date of the letter to seek employment with any covered entity without the necessity of an additional criminal history record check. Any covered entity presented with the letter may rely on the letter with respect to an employee applicant's criminal background and is not required for a period of two (2) years from the date of the letter to conduct or have conducted a criminal history record check as required in this subsection (5).

(h) The licensing agency, the covered entity, and their agents, officers, employees, attorneys and representatives, shall be presumed to be acting in good faith for any employment decision or action taken under this subsection (5). The presumption of good faith may be overcome by a preponderance of the evidence in any civil action. No licensing agency, covered entity, nor their agents, officers, employees, attorneys and representatives shall be held liable in any employment decision or action based in whole or in part on compliance with or attempts to comply with the requirements of this subsection (5).

(i) The licensing agency shall promulgate regulations to implement this subsection (5).

(j) The provisions of this subsection (5) shall not apply to:

(i) Applicants and employees of the University of Mississippi Medical Center for whom criminal history record checks

and fingerprinting are obtained in accordance with Section 37-115-41; or

(ii) Health care professional/vocational technical students for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-29-232.

(6) The State Board of Health shall promulgate rules, regulations and standards regarding the operation of adult foster care facilities.

**SECTION 32.** Section 43-16-25, Mississippi Code of 1972, is reenacted as follows:

43-16-25. A license issued under the provisions of this chapter shall be renewed annually upon payment of a renewal fee not to exceed One Hundred Dollars ($100.00), and upon filing by the licensee of an annual report upon such uniform dates and upon forms provided by the licensing agency, accompanied by a current certificate of inspection and approval by the fire department and the county health department specified in Section 43-16-11.

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 33.** Section 43-20-8, Mississippi Code of 1972, is reenacted as follows:

43-20-8. (1) The licensing agency shall have powers and duties as set forth below, in addition to other duties prescribed under this chapter:

(a) Promulgate rules and regulations concerning the licensing and regulation of child care facilities as defined in Section 43-20-5;

(b) Have the authority to issue, deny, suspend, revoke, restrict or otherwise take disciplinary action against licensees as provided for in this chapter;

(c) Set and collect fees and penalties as provided for in this chapter; any increase in the fees charged by the licensing agency under this paragraph shall be in accordance with the provisions of Section 41-3-65; and

(d) Have such other powers as may be required to carry out the provisions of this chapter.

(2) Child care facilities shall assure that parents have welcome access to the child care facility at all times and shall comply with the provisions of Chapter 520, Laws of 2006.

(3) Each child care facility shall develop and maintain a current list of contact persons for each child provided care by that facility. An agreement may be made between the child care facility and the child's parent, guardian or contact person at the time of registration to inform the parent, guardian or contact person if the child does not arrive at the facility within a reasonable time.

(4) Child care facilities shall require that, for any current or prospective caregiver, all criminal records, background and sex offender registry checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for all operators of a child care facility and any person living in a residence used for child care. The Department of Human Services shall have the authority to disclose to the State Department of Health any potential applicant whose name is listed on the Child Abuse Central Registry or has a pending administrative review. That information shall remain confidential by all parties. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(6) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.

(7) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly liable for any findings, recommendations or actions taken under this section.

(8) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is authorized to charge a fee that includes the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended, and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

(9) From and after January 1, 2008, the State Board of Health shall develop regulations to ensure that all children enrolled or enrolling in a state licensed child care center receive age-appropriate immunization against invasive pneumococcal disease as recommended by the Advisory Committee on immunization practices of the Centers for Disease Control and Prevention. The State Board of Health shall include, within its regulations, protocols for children under the age of twenty-four (24) months to catch up on missed doses. If the State Board of Health has adopted regulations before January 1, 2008, that would otherwise meet the requirements of this subsection, then this subsection shall stand repealed on January 1, 2008.

**SECTION 34.** Section 43-20-11, Mississippi Code of 1972, is reenacted as follows:

43-20-11. An application for a license under this chapter shall be made to the licensing agency upon forms provided by it, and shall contain such information as the licensing agency may reasonably require. Each application for a license shall be accompanied by a license fee not to exceed Four Hundred Dollars ($400.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65. Licenses shall be granted to applicants upon the filing of properly completed application forms, accompanied by payment of the license fee, and a certificate of inspection and approval by the fire department of the municipality or other political subdivision in which the facility is located, and by a certificate of inspection and approval by the health department of the county in which the facility is located, and approval by the licensing agency; except that if no fire department exists where the facility is located, the State Fire Marshal shall certify as to the inspection for safety from fire hazards. The fire, county health department and licensing agency inspections and approvals shall be based upon regulations promulgated by the licensing agency as approved by the State Board of Health.

Each license shall be issued only for the premises and person or persons named in the application and shall not be transferable

or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 35.** Section 43-20-13, Mississippi Code of 1972, is reenacted as follows:

43-20-13. A license issued under the provisions of this chapter shall be renewed upon payment of a renewal fee not to exceed Four Hundred Dollars ($400.00) per year, and upon filing by the licensee of a report upon such uniform dates and upon forms provided by the licensing agency, accompanied by a current certificate of inspection and approval by the fire department and the county health department specified in Section 43-20-11.

Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 41-3-65.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 36.** Section 43-20-59, Mississippi Code of 1972, is reenacted as follows:

43-20-59. (1) Any person maintaining a family child care home may register such home with the State Department of Health on forms provided by the department.

(2) A certificate of registration shall be issued to the applicant for registration who (a) attests to the safety of the home for the care of children, (b) submits a fee of Five Dollars ($5.00), payable to the department, and (c) certifies that no person described in paragraph (a), (b), (c), (d) or (e) of Section 43-20-57(1) resides, works or volunteers in the family child care home.

Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 41-3-65.

(3) The department shall furnish each applicant for registration a family child care home safety evaluation form to be completed by the applicant and submitted with the registration application.

(4) The certificate of registration shall be renewed annually in the same manner provided for in this section.

(5) A certificate of registration shall be in force for one (1) year after the date of issuance unless revoked pursuant to Sections 43-20-51 through 43-20-65. The certificate shall specify that the registrant may operate a family child care home for five (5) or fewer children. This section shall not be construed to limit the right of the department to enter a registered family child care home for the purpose of assessing compliance with Sections 43-20-51 through 43-20-65 after receiving a complaint

against the registrant of such home or in conducting a periodic routine inspection.

(6) The department shall adopt rules and regulations to implement the registration provisions.

**SECTION 37.** Section 45-14-31, Mississippi Code of 1972, is reenacted as follows:

45-14-31. (1) All initial application and registration fees and annual fees due under this section shall be paid directly to the agency for deposit into the Radiological Health Operations Fund in the State Treasury. The Mississippi State Board of Health shall submit its separate budget for carrying out the provisions of this chapter. The budget shall be subject to and shall comply with the requirements of the state budget law.

(2) In order to supplement state radiological health budget allocations authorized to carry out and enforce the provisions of this chapter, the agency is authorized to charge and collect fees for the following radiological health services:

(a) Radiological health services - Category 1: application fee and annual fee not to exceed.....$3,500.00

(b) Radiological health services - Category 2: application fee and annual fee not to exceed.....$1,800.00

(c) Radiological health services - Category 3: application fee and annual fee not to exceed.....$1,800.00

(d) Healing arts and veterinary medicine X-ray tubes: application fee and annual fee not to exceed.....$150.00

The radiological health services that are included in each specified category shall be determined by the agency by rules and regulations adopted by the agency.

The agency may increase the amount of the fees charged under this subsection not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than five percent (5%) of the amount of the fee in effect at the time of the increase.

(3) The agency shall set the amount of the fees for all other radiological health services not specified in subsection (2) of this section, and any increase in the fees charged by the agency under this subsection shall be in accordance with the provisions of Section 41-3-65.

**SECTION 38.** Section 45-23-23, Mississippi Code of 1972, is reenacted as follows:

45-23-23. (1) The examination for chief, deputy or special inspector shall be in writing and shall be by the merit system of the board under the rules of procedure during the examination. Application for examination shall be in writing on forms provided by the board and shall be accompanied by a fee of Twenty-five Dollars ($25.00). Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. Such examination shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service.

(2) In case an applicant for an inspector's license fails to pass the examination, he may appeal to the merit system of the board for another examination which shall be given by the board within ninety (90) days.

(3) The record of an applicant's examination shall be accessible to the applicant and his employer.

**SECTION 39.** Section 45-23-41, Mississippi Code of 1972, is reenacted as follows:

45-23-41. Each company employing special inspectors, except a company operating boilers and/or pressure vessels covered by owner or user inspection service meeting the requirements of Section 45-23-21(b) shall, within thirty (30) days following each certificate inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the board. If such report shows that a boiler or pressure vessel is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the board the fee of Twenty Dollars ($20.00) for an annual certificate or Thirty Dollars ($30.00) for a biennial certificate, and the chief inspector or his duly authorized representative shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

Such inspection certificate shall be valid for not more than fourteen (14) months from its date in the case of power boilers and high pressure, high temperature water boilers, and for not more than twenty-six (26) months in the case of heating boilers and pressure vessels.

In the case of those boilers and pressure vessels covered by Section 45-23-33(a), (b), (c) and (d) for which the board has established or extended the operating period between required inspections, pursuant to the provisions of Section 45-23-33(g) or (h), the certificate shall be valid for a period not more than two (2) months beyond the period set by the board.

Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected. If the boiler or pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or pressure vessel inspected, or in any place where it will be accessible to interested parties.

Air tanks used to inflate automobile tires shall be exempt from the inspection requirements of this section.

**SECTION 40.** Section 45-23-45, Mississippi Code of 1972, is reenacted as follows:

45-23-45. Each such company shall, in addition, file annually with the board a statement, signed by the engineer having supervision over the inspections made during the period covered thereby, stating the number of vessels covered by this chapter

inspected during the year and certifying that each such inspection was conducted pursuant to the inspection requirements provided for by this chapter. Such annual statement shall be accompanied by a filing fee in accordance with the following schedule:

(a) For statements covering not more than twenty-five (25) vessels - Three Dollars ($3.00) per vessel.

(b) For statements covering more than twenty-five (25) but less than one hundred one (101) vessels - Seventy-five Dollars ($75.00).

(c) For statements covering more than one hundred (100) but less than five hundred one (501) vessels - One Hundred Fifty Dollars ($150.00).

(d) For statements covering more than five hundred (500) vessels - Three Hundred Dollars ($300.00).

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 41.** Section 45-23-53, Mississippi Code of 1972, is reenacted as follows:

45-23-53. The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector, of his deputy inspector, shall pay directly to the board, upon completion of inspection, fees as specified by the board in the rules and regulations.

(a) Fee schedules set by the board shall be reasonable and practical, but shall be set at a level which, in conjunction with the fees collected under Sections 45-23-41 through 45-23-45, will make this activity reasonably self-supporting. Any increase in the fees set by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65.

(b) A group of pressure vessels, such as the rolls of a paper machine or dryer operating as a single machine or unit, shall be considered as one (1) pressure vessel.

(c) Not more than one (1) fee shall be charged or collected for any and all inspections of any pressure vessel in any required inspection period.

(d) When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler or pressure vessel shall be charged.

**SECTION 42.** Section 73-7-71, Mississippi Code of 1972, is reenacted as follows:

73-7-71. (1) For the purpose of this section, the term "hair braiding" means the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

(2) No person shall engage in hair braiding for compensation in the State of Mississippi without first registering with the State Department of Health. The department may charge each registrant a fee of not more than Twenty-five Dollars ($25.00) to cover the department's costs in registering the person and providing the person with the brochure prepared under subsection (3) of this section, which fee shall be uniform for all registrants. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. The purpose of this registration is only to maintain a listing of those persons who engage in hair braiding for compensation in the state, and does not authorize the department to license or regulate the practice of hair braiding in the state, except as provided in subsection (4) of this section.

(3) The State Department of Health shall develop and prepare a brochure containing information about infection control techniques that are appropriate for hair braiding in or outside of a salon setting. The brochure shall be made available through the department's website or by mail, upon request, for a fee to cover the department's mailing costs. The brochure shall contain a self-test with questions on the information contained in the brochure. For a person engaged in hair braiding to be exempt from the cosmetology licensure law, Section 73-7-1 et seq., the person shall complete the self-test part of the brochure and keep the

brochure and completed self-test available at the location at which the person is engaged in hair braiding.

(4) Representatives of the department may visit any facility or premises in which hair braiding is performed at any time during business hours to determine if the brochure and completed self-test are available at the facility or premises.

(5) This section does not apply to cosmetologists, or barbers licensed to practice in Mississippi in their respective fields.

**SECTION 43.** Section 73-10-9, Mississippi Code of 1972, is reenacted as follows:

73-10-9. (1) An applicant for a license as a dietitian shall file a written application on forms provided by the board, showing to the satisfaction of the board that he or she meets the following requirement.

(2) Applicants shall provide evidence of current registration as a registered dietitian by the Commission on Dietetic Registration.

(3) Applicants shall pay a fee as established by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

**SECTION 44.** Section 73-10-11, Mississippi Code of 1972, is reenacted as follows:

73-10-11. (1) The board may issue a provisional license to any resident dietitian who presents evidence to the advisory council of the successful completion of the education and experience requirements of subsections (2) and (3) of this section for licensure. Such a provisional license may be issued to such a person before he or she has taken the examination to become a registered dietitian as given by the Commission on Dietetic Registration (CDR). A provisional license may be issued for a period not exceeding one (1) year and may be renewed from year to year not to exceed five (5) years.

(2) An applicant for provisional licensure as a dietitian shall present evidence satisfactory to the board of having received a baccalaureate or post-baccalaureate degree from a college or university accredited through the United States Department of Education, Office of Postsecondary Education, with a major in dietetics or an equivalent major course of study as approved by the board.

(3) An applicant for licensure as a dietitian shall submit to the board evidence of having successfully completed a board approved planned program of dietetics experience under the supervision of a licensed or registered dietician.

(4) A provisional license shall permit the holder to practice only under the direct technical supervision of a dietitian.

(5) A fee for a provisional license and for each renewal shall be established by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

**SECTION 45.** Section 73-10-21, Mississippi Code of 1972, is reenacted as follows:

73-10-21. (1) Rules, regulations and standards.

(a) The board is empowered, authorized and directed to adopt, amend, promulgate and enforce such rules, regulations and standards governing dietitians as may be necessary to further the accomplishment of the purpose of the governing law, and in so doing shall utilize as the basis thereof the corresponding recommendations of the advisory council. The rules, regulations and minimum standards for licensing of dietitians may be amended by the board as deemed necessary. In so doing, the board shall utilize as the basis thereof the corresponding recommendations of the advisory council.

(b) The board shall publish and disseminate to all licensees, in appropriate manner, the licensure standards prescribed by this chapter, any amendments thereto, and such rules and regulations as the board may adopt under the authority vested by Section 73-38-13, within sixty (60) days of their adoption.

(2) The board shall adopt a code of ethics for dietitians using as the basis thereof the ADA "Code of Ethics for the Profession of Dietetics."

(3) Issuance and renewal of licenses.

(a) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee prescribed.

(b) Except as provided in Section 33-1-39, licenses under this chapter shall be valid for two (2) calendar years and shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board, upon the payment of a biennial renewal fee to be set at the discretion of the board, but not to exceed One Hundred Dollars ($100.00), and the presentation of evidence satisfactory to the board that the licensee has met such continuing education requirements as the board may require. Any increase in the fee charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65. An applicant for license renewal shall demonstrate to the board evidence of satisfactory completion of the continuing education requirements established by the American Dietetic Association and/or other continuing education requirements as may be required by the board.

(c) The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules and regulations, but no such late renewal of a license may

be granted more than one (1) year after its expiration. Any increase in the fee charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65.

(d) A suspended license shall be subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

(4) Denial or revocation of license.

(a) The board may deny or refuse to renew a license, or suspend or revoke a license, or issue orders to cease or desist from certain conduct, or issue warnings or reprimands where the licensee or applicant for license has been convicted of unlawful conduct or has demonstrated unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such conduct includes:

(i) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(ii) Being guilty of unprofessional conduct as defined by the rules and established by the board or violating the Code of Ethics of the American Dietetic Association;

(iii) Being convicted of a crime in any court other than a misdemeanor;

(iv) Violating any lawful order, rule or regulation rendered or adopted by the board; or

(v) Violating any provision of this chapter.

(b) Such denial, refusal to renew, suspension, revocation, order to cease and desist from designated conduct, or warning or reprimand may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One (1) year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

(c) In addition to the reasons specified in paragraph (a) of this subsection (4), the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163

and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(5) Establish fees.

(a) A person licensed under this chapter shall pay to the board a fee, not to exceed One Hundred Dollars ($100.00), to be set by the board for the issuance of a license.

(b) Such fees shall be set in such an amount as to reimburse the state to the extent feasible for the cost of the services rendered.

(c) Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(6) Collect funds.

(a) The administration of the provisions of this chapter shall be financed from income accruing from fees, licenses and other charges assessed and collected by the board in administering this chapter.

(b) The board shall receive and account for all funds received and shall keep such funds in a separate fund.

(c) Funds collected under the provisions of this chapter shall be used solely for the expenses of the advisory council and the board to administer the provisions of this chapter. Such funds shall be subject to audit by the State Auditor.

(d) Members of the advisory council shall receive no compensation for services performed on the council, but may be reimbursed for necessary and actual expenses incurred in connection with attendance at meetings of the council or for authorized business of the council from funds made available for such purpose, as provided in Section 25-3-41.

(7) Receive and process complaints.

(a) The board shall have full authority to investigate and evaluate each and every applicant applying for a license to practice dietetics, with the advice of the advisory council.

(b) The board shall have the authority to issue subpoenas, examine witnesses and administer oaths, and shall, at its discretion, investigate allegations or practices violating the provisions of this chapter, and in so doing shall have power to seek injunctive relief to prohibit any person from providing professional dietetic services as defined in Section 73-10-3(1)(j) without being licensed as provided herein.

(8) A license certificate issued by the board is the property of the board and must be surrendered on demand.

**SECTION 46.** Section 73-14-17, Mississippi Code of 1972, is reenacted as follows:

73-14-17. An applicant for a license shall pay a fee of One Hundred Dollars ($100.00) and shall show to the satisfaction of the board that he:

(a) Is twenty-one (21) years of age or older.

(b) Has an education equivalent to a four-year course in an accredited high school.

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

**SECTION 47.** Section 73-14-19, Mississippi Code of 1972, is reenacted as follows:

73-14-19. An applicant for a license who is notified by the board that he has fulfilled the requirements of Section 73-14-17 and upon paying a testing fee determined by the department as necessary to cover the expense of the administration of the examination not to exceed One Hundred Fifty Dollars ($150.00), shall appear at a time, place and before such persons as the board may designate, to be examined by written and practical test in order to demonstrate that he is qualified to practice the fitting, dispensing and selling of hearing aids. Any increase in the fee charged by the department under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 48.** Section 73-14-27, Mississippi Code of 1972, is reenacted as follows:

73-14-27. (1) An applicant who fulfills the requirements of Section 73-14-17 and who has not previously applied to take the examination provided under Section 73-14-19 may apply to the board for a temporary license.

(2) Upon receiving an application provided under subsection (1) of this section, the board shall issue a temporary license which shall entitle the applicant to practice the fitting and dispensing of hearing aids for a period ending thirty (30) days after the conclusion of the next examination given after the date of issue.

(3) No temporary license shall be issued by the board under this section unless the applicant shows to the satisfaction of the board that he is or will be supervised and trained by a person who:

(a) Holds a current and valid document of being National Board Certified in Hearing Instrument Sciences by the International Hearing Society (IHS) or its successor; or

(b) Holds a current and valid Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association (ASHA); or

(c) Has had a minimum of three (3) years' experience in the testing of hearing, fitting of hearing aids and dispensing of hearing aids.

(4) If a person who holds a temporary license issued under this section does not take the next examination given after the

date of issue, the temporary license shall not be renewed, except for good cause shown to the satisfaction of the board.

(5) If a person who holds a temporary license issued under this section takes and fails to pass the next examination given after the date of issue, the board may renew the temporary license for a period ending thirty (30) days after the date of renewal is announced. In no event shall more than one (1) renewal be permitted. The fee for renewal shall be Fifty Dollars ($50.00), and any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

**SECTION 49.** Section 73-14-31, Mississippi Code of 1972, is reenacted as follows:

73-14-31. Except as provided in Section 33-1-39, a person who practices the fitting and dispensing of hearing aids shall biennially pay to the board a fee of Two Hundred Dollars ($200.00) for a renewal of his license. A grace period of thirty (30) days shall be allowed after the expiration of a license, during which the same may be renewed on payment of a fee of Two Hundred Dollars ($200.00) to the board. The license of any person who fails to have his license renewed by the expiration of the grace period of thirty (30) days shall be considered to have lapsed. After the expiration of the grace period, the board may reinstate a license upon payment of a fee of Two Hundred Fifty Dollars ($250.00) to the board. No person who applies for reinstatement, whose license

was suspended for the sole reason of failure to renew, shall be required to submit to any examination as a condition of reinstatement, provided such person applies for reinstatement within one (1) year from the date of lapse of the license.

The board shall require the applicant for license renewal to present evidence of the satisfactory completion of continuing education requirements as determined by the board.

In the event that any licensee shall fail to meet the annual educational requirement, his license shall not be renewed by the board, but the board may renew the license upon the presentation of satisfactory evidence of educational study of a standard approved by the board and upon the payment of all fees due. No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 50.** Section 73-24-29, Mississippi Code of 1972, is reenacted as follows:

73-24-29. (1) The board is empowered to prescribe and publish reasonable fees for the following purposes:

(a) Application fee which is nonrefundable;

(b) Initial license fee;

(c) Renewal of license fee;

(d) Late renewal fee;

(e) Limited permit fee;

(f) Reinstatement of license fee;

(g) Inactive license fee.

(2) Such fees shall be commensurate to the extent feasible with the cost of fulfilling the duties of the board and council as defined by this chapter; however, no individual fee shall exceed One Hundred Fifty Dollars ($150.00).

(3) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 51.** Section 73-38-31, Mississippi Code of 1972, is reenacted as follows:

73-38-31. (1) The board shall assess fees for the following purposes:

(a) Initial licensing;

(b) Renewal of licensure;

(c) License issued after expiration date;

(d) Late renewal payment penalty;

(e) Temporary license;

(f) Renewal of temporary license; and

(g) Registration of aides.

(2) Every person to whom a license is issued pursuant to this chapter shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee.

(3) Fees prescribed in subsection (1) of this section shall be exclusive and no municipality shall have the right to require any person licensed under this chapter to furnish any bond, pass any examination, or pay any license fee or occupational tax.

(4) Fees listed in subsection (1) of this section shall be commensurate to the extent feasible with the cost of fulfilling the duties of the board and council as defined by this chapter; however, no individual fee shall exceed One Hundred Dollars ($100.00).

(5) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 52.** Section 73-55-13, Mississippi Code of 1972, is reenacted as follows:

73-55-13. (1) Except as provided in Section 33-1-39, a person licensed as an athletic trainer under this chapter shall pay to the board a fee not to exceed Three Hundred Dollars ($300.00) for every three-year period for a renewal of his license. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(2) Continuing education requirements for license renewal shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the BOC, Inc. Proof of the completion of continuing education as required

by this section shall be turned in to the board at the time of renewal of license.

**SECTION 53.** Section 73-57-19, Mississippi Code of 1972, is reenacted as follows:

73-57-19. (1) Examinations for the licensure in respiratory care will be conducted not less than two (2) times a year and at such places as may be determined by the board.

(2) An applicant applying for license to practice respiratory care shall pay an administrative fee to the board. A fee shall be required for each examination or reexamination. If an applicant fails to complete the requirements for licensing within two (2) years from the date of filing, the application is deemed to be abandoned.

(3) A fee shall be required for each re-registration.

(4) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 54.** Section 73-57-21, Mississippi Code of 1972, is reenacted as follows:

73-57-21. Upon payment of a fee, the board may issue a temporary permit to practice respiratory care for a period of six (6) months to an applicant for licensing who is a student in an approved respiratory care education program who expects to graduate within the next thirty (30) calendar days and who is eligible to sit for the CRT, RRT, or their successor examination.

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 55.** Section 73-57-27, Mississippi Code of 1972, is reenacted as follows:

73-57-27. (1) A license shall be renewed biennially beginning with the first renewal term after the issuance of the license, except as herein provided. The board shall provide notice of renewal at least thirty (30) calendar days prior to expiration for renewal of license to every person to whom a license was issued or renewed during the preceding renewal period. The notice of renewal shall indicate the renewal process and required fees required to be completed before the date of expiration.

(2) Upon receipt of the notice of renewal and the renewal fee, the board shall verify its contents and shall issue the licensee a license for the current renewal period, which shall be valid for the period stated thereon. The board, with the advice of the council, shall establish continuing education requirements for biennial renewal of the license, which shall include proof of completion of at least fifteen (15) clock hours approved by the board for continuing education credit. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(3) A licensee who allows his license to lapse by failing to renew it may be reinstated by the board upon payment of the

renewal fee and the reinstatement fee, provided that such request for reinstatement is made within two (2) years of the end of the renewal period. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

(4) A respiratory care practitioner who does not engage in the practice of respiratory care during the succeeding renewal period is not required to pay the renewal fee as long as he remains inactive. If he desires to resume the practice of respiratory care, he shall notify the board of his intent and shall satisfy the current requirements of the board in addition to remitting the renewal fee for the current renewal period and the reinstatement fee.

(5) The board is authorized to establish fees for replacement and duplicate licenses, and any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

**SECTION 56.** Section 73-57-29, Mississippi Code of 1972, is reenacted as follows:

73-57-29. All fees established by the board under this chapter shall be set in such an amount as is necessary to reimburse the state for the cost of services rendered, not to exceed a biennial sum of Two Hundred Fifty Dollars ($250.00) to be paid by any individual. Any increase in the fees charged by the board under this chapter shall be in accordance with the

provisions of Section 41-3-65. Fees received by the board and monies collected under this chapter shall be deposited in the State Treasury to the credit of the Respiratory Care Fund. Expenses incurred in the performance of this chapter shall be paid in accordance with the accounting laws of the state.

**SECTION 57.** Section 73-61-1, Mississippi Code of 1972, is reenacted as follows:

73-61-1. (1) No person shall place a tattoo upon the body of a human for compensation within the State of Mississippi without first registering with the State Department of Health. The facility or premises in which tattooing is to be performed shall be specified in the registration, and the registered person shall be authorized to perform tattooing only in the specified facility or premises. For the purposes of this section, "tattooing" means to make indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments, and "tattoo" means the indelible mark or design so produced. Registrations shall be valid for one (1) year, and each person registered under this section shall pay an annual registration fee to the department in an amount set by the department, but not to exceed One Hundred Fifty Dollars ($150.00), which fee shall be uniform for all registered persons. Any increase in the fee charged by the department under this

subsection shall be in accordance with the provisions of Section 41-3-65.

(2) The State Board of Health shall promulgate rules and regulations relating to:

(a) Health, cleanliness and general sanitation of the facilities or premises in which tattooing is performed or to be performed;

(b) Sterilization of tattooing apparatus and safe disposal of tattooing apparatus;

(c) Procedures to prevent the transmission of disease or infection during or relating to tattooing procedures, specifically including, but not limited to, transmission of Hepatitis B and the human immunodeficiency virus (HIV); and

(d) Such other administrative provisions as may be necessary to protect public health or properly administer the requirements of this section.

(3) Representatives of the department may visit any facility or premises in which tattooing is performed at any time during business hours to ensure compliance with the requirements of this section and the rules and regulations promulgated under this section. Representatives of the department shall visit each facility or premises in which tattooing is performed not less than once each year to inspect for such compliance. The department may suspend or revoke the registration of any person found to be

violating any of the rules or regulations promulgated under this section.

(4) It shall be unlawful for any person to place a tattoo upon the body of any person under the age of eighteen (18) years.

(5) Any person who places a tattoo upon the body of a human for compensation without first registering with the department or after his registration has been suspended or revoked by the department, or any person who places a tattoo upon the body of any person in violation of subsection (4) of this section, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

(6) The department is authorized to bring an action for an injunction under the provisions of Sections 73-51-1 through 73-51-5 to prohibit any person who is required to be registered under this section from performing tattooing without first registering with the department or after his registration has been suspended or revoked by the department.

(7) This section shall not apply to physicians licensed to practice medicine in Mississippi in the performance of their professional duties.

**SECTION 58.** Section 73-61-3, Mississippi Code of 1972, is reenacted as follows:

73-61-3. (1) For the purposes of this section, the term "body piercing" means the creation of an opening in any part of

the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object, or for some other nonmedical purpose.

(2) No person shall perform body piercing upon any person for compensation within the State of Mississippi without first registering with the State Department of Health. The facility or premises in which body piercing is to be performed shall be specified in the registration, and the registered person shall be authorized to perform body piercing only in the specified facility or premises. Except as provided in Section 33-1-39, registrations shall be valid for one (1) year, and each person registered under this section shall pay an annual registration fee to the department in an amount set by the department, but not to exceed One Hundred Fifty Dollars ($150.00), which fee shall be uniform for all registered persons. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 41-3-65.

(3) The State Board of Health shall promulgate rules and regulations relating to:

(a) Health, cleanliness and general sanitation of the facilities or premises in which body piercing is performed or to be performed;

(b) Sterilization of body piercing apparatus and safe disposal of body piercing apparatus;

(c) Procedures to prevent the transmission of disease or infection during or relating to body piercing procedures, specifically including, but not limited to, transmission of Hepatitis B and the human immunodeficiency virus (HIV); and

(d) Such other administrative provisions as may be necessary to protect public health or properly administer the requirements of this section.

(4) Representatives of the department may visit any facility or premises in which body piercing is performed at any time during business hours to ensure compliance with the requirements of this section and the rules and regulations promulgated under this section. Representatives of the department shall visit each facility or premises in which body piercing is performed not less than once each year to inspect for such compliance. The department may suspend or revoke the registration of any person found to be violating any of the rules or regulations promulgated under this section.

(5) It shall be unlawful for any person to perform body piercing upon any person under the age of eighteen (18) years.

(6) Any person who performs body piercing for compensation without first registering with the department or after his registration has been suspended or revoked by the department, or any person who performs body piercing upon any person in violation of subsection (5) of this section, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One

Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

(7) The department is authorized to bring an action for an injunction under the provisions of Sections 73-51-1 through 73-51-5 to prohibit any person who is required to be registered under this section from performing body piercing without first registering with the department or after his registration has been suspended or revoked by the department.

(8) This section shall not apply to physicians licensed to practice medicine in Mississippi in the performance of their professional duties.

**SECTION 59.** Section 73-65-5, Mississippi Code of 1972, is reenacted as follows:

73-65-5. The board shall:

(a) Promulgate regulations necessary to carry out the provisions of this chapter;

(b) Require that all applicants register for, take and pass the Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;

(c) Establish the application deadline for and score required to pass the examination;

(d) Process applications and review the required examinations;

(e) Issue licenses to applicants who meet the requirements of Section 73-65-7 or 73-65-9;

(f) Deny, suspend or revoke a license to practice art therapy;

(g) Censure, reprimand, or place a license holder or applicant on probation for a period not to exceed one (1) year;

(h) Maintain a current register of license holders as a matter of public record;

(i) Establish criteria for continuing education;

(j) Establish procedures for receiving, investigating and resolving complaints against license holders;

(k) Approve the level of supervision and experience required for persons seeking licensure;

(l) Assess fees for the issuance and renewal of licenses to cover expenses of the board in administering this chapter; any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 41-3-65;

(m) Implement an impaired professional art therapist treatment program; and

(n) Adopt a code of ethics as established by the Art Therapy Credentials Board, Inc.

**SECTION 60.** Section 73-65-9, Mississippi Code of 1972, is reenacted as follows:

73-65-9. (1) Except as provided in Section 33-1-39, each license holder shall renew the license to practice art therapy biennially by submitting a renewal application on a form provided

by the board, paying a license renewal fee, and producing evidence of completion of relevant professional continuing education experience satisfactory to the board, not to exceed forty (40) hours per renewal cycle.

(2) A ninety-day grace period shall be allowed for each license holder after the licensure period, during which time the license may be renewed upon payment of the renewal fee, the late fee, and compliance with all renewal requirements.

(3) Any license granted by the board shall be automatically suspended if the holder fails to apply for the license renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended license may be restored by the board upon payment of a reinstatement fee not to exceed One Hundred Dollars ($100.00), in addition to any unpaid renewal or late fees. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65. Failure to renew a license within three (3) months from the date of suspension as provided in this section shall cause the license to be automatically revoked. Reinstatement of a revoked license shall require the license holder to reapply and meet all current standards for licensure.

(4) A person licensed under the provisions of Section 73-65-7 who intends to retire as a licensed professional art therapist shall notify the board in writing before the expiration of his current licensure. If, within a period of five (5) years

from the year of retirement, the license holder wishes to resume practice as a licensed professional art therapist, he shall notify the board in writing, and upon giving proof of completing the required continuing education and the payment of an amount equivalent to elapsed renewal fees, the license shall be restored in full effect.

**SECTION 61.** Section 73-65-11, Mississippi Code of 1972, is reenacted as follows:

73-65-11. The board shall set the amount of the fees required to be paid by applicants for licensure and license holders including, but not limited to, the following:

(a) For an application for initial licensure, the fee shall be nonrefundable and shall not exceed Two Hundred Dollars ($200.00);

(b) For renewal of a license, the fee shall not exceed Two Hundred Dollars ($200.00);

(c) For a duplicate or replacement license, the fee shall not exceed Twenty-five Dollars ($25.00);

(d) For failure to renew a license within the allotted grace period pursuant to Section 73-65-9, the fee shall not exceed One Hundred Dollars ($100.00); and

(e) Other reasonable fees for administrative services.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 62.** Section 75-29-805, Mississippi Code of 1972, is reenacted as follows:

75-29-805. The board shall assess a fee in the following amount and for the following purpose:

Annual bottled drinking water certification fee.....$200.00

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

**SECTION 63.** Section 75-31-65, Mississippi Code of 1972, is reenacted as follows:

75-31-65. (1) The State Board of Health shall:

(a) Exercise general supervision over the production, processing and sale of milk and milk products and the processing and sale of frozen desserts.

(b) Adopt, modify, repeal and promulgate rules and regulations, after due notice and hearing, and, where not otherwise prohibited by federal law or state law, make exceptions to, grant exemptions from and enforce rules and regulations implementing or effectuating the duties of the board under this section to protect the public health.

(c) Use the most current edition of the Pasteurized Milk Ordinance, or its successor, as the basis for regulation of Grade "A" milk and milk products. Unless as otherwise provided by law, the board, in its discretion, may amend, modify or make additions to the Pasteurized Milk Ordinance if the board

determines that such amendment, modification or addition is in the best interest of public health.

(2) The board shall assess fees in the following amount and for the following purpose:

Milk product processing plant annual permit fee.....$300.00

Frozen dessert processing plant annual permit fee.....$300.00

Any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 41-3-65.

The fees authorized under this subsection shall not be assessed for milk or frozen dessert processing plants operated by public schools, by public junior colleges or by state agencies or institutions, including, without limitation, the state institutions of higher learning.

(3) Incidental sales of raw goat milk shall be legal if:

(a) The milk is sold directly to the consumer on the premises where the milk is produced;

(b) No more than nine (9) producing goats are located on the premises where the milk is produced;

(c) The person selling the milk does not advertise the milk for sale; and

(d) The following conditions, which apply to the milking of goats involved in legal incidental sales of raw goat milk, are satisfied:

(i) The milking takes place in a clean environment on a cement or comparable floor;

(ii) The milking place is enclosed by a wall and/or a screen to prevent insects from entering the milking area;

(iii) A fly strap is located in the milking area; and

(iv) Sterile containers are used in the milking process and for storage.

It shall not be unlawful to store raw goat milk in a separate sterile place from pasteurized goat milk. The Cooperative Extension Service at Alcorn State University shall publish and make available literature on the requirements of this subsection, and other related milk-goat maintenance, explaining the recommended care of milk goats and the process of goat milk production and other related subjects. For the purposes of this subsection, the term "incidental sales" means sales from a farm where not more than nine (9) goats are producing milk.

(4) For purposes of this section, the term "person" includes an individual, firm, partnership, association or corporation, foreign or domestic.

(5) All fees collected by the board under this section shall be paid into a special fund within the Department of Health to be used by the department to discharge its duties under this section.

(6) Any person coming within the provisions of this section who fails to comply with or violates any of the provisions of this

section or regulations promulgated thereunder, unless otherwise specifically provided in this section, is guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars ($100.00) or confined in jail for not more than sixty (60) days, or both.

(7) Any person who sells or offers for sale adulterated milk or milk products or cream or frozen desserts or any milk or cream having therein any foreign substance or coloring matter or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance or for the purpose of preserving the condition of sweetness thereof, or for any other purpose whatsoever, or unpasteurized milk or milk products except as otherwise authorized by law, is guilty of a misdemeanor, and, upon conviction, shall be fined not more than Five Hundred Dollars ($500.00) or confined in jail not more than sixty (60) days, or both; however, nothing in this subsection shall be construed to prevent the addition of vitamins to milk or milk products in accordance with the rules and regulations promulgated by the board or to prohibit the sale of pasteurized milk or cream or frozen desserts except unlawful cream or unlawful milk products or unlawful frozen desserts as defined in the rules and regulations promulgated by the board.

(8) (a) Any person doing business in the State of Mississippi and engaged in the production, manufacture, sale or distribution of any dairy products that, for the purpose of

destroying the business of a competitor in any locality or creating a monopoly, discriminates between different sections, localities, communities, cities or towns of the state by selling such commodity at a lower rate or price in one (1) section, locality, community, city or town than such commodity is sold by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of the transportation from the point of production or purchase, if a raw product, to the place of sale, storage or distribution, is guilty of unfair discrimination, which is prohibited and declared unlawful; however, prices made to meet competition in such section, locality, community, city or town shall not be in violation of this subsection.

(b) Any person doing business in the State of Mississippi and engaged in the business of purchasing for manufacture, storage, sale or distribution of any dairy product, that, for the purpose of destroying the business of a competitor or creating a monopoly, discriminates between different sections, localities, communities, cities or towns in the state by purchasing such commodity at a higher rate or price in one (1) section, locality, community, city or town than is paid for such commodity by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual

cost of transportation from the point of purchase to the point of manufacture, sale or distribution or storage, is guilty of unfair discrimination, which is prohibited and declared to be unlawful; however, prices made to meet competition in such locality, section, community, city or town shall not be a violation of this subsection.

(c) Any person convicted of a violation of this subsection, shall be fined not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or shall be imprisoned in jail not more than twelve (12) months, or both.

(9) Nothing in this section shall be construed to apply to any person who does not sell his milk, cream, butter or other products mentioned herein to others.

**SECTION 64.** Section 75-74-11, Mississippi Code of 1972, is reenacted as follows:

75-74-11. No person or organization may operate or sponsor a youth camp in Mississippi without first holding a valid license under this chapter and without complying with the provisions of this chapter and with any rule, regulation or order of the State Board of Health.

Each application for a license to operate or sponsor a youth camp shall be accompanied by a license fee of One Hundred Fifty Dollars ($150.00), which shall be paid to the board. A license issued under this chapter may be renewed upon payment of a renewal

fee of One Hundred Fifty Dollars ($150.00), which shall be paid to the board.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 41-3-65.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 65.** Section 65, Chapter 510, Laws of 2016, which provided for the repeal of the reenacted provisions, is repealed.

**SECTION 66.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2333

**Description:** Fees; authorize Department of Revenue to charge and place in special fund to defray costs of shipping alcoholic beverages.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Three/Fifths
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/10 | (S) Referred To Finance |
| 2 | 02/20 | (S) Title Suff Do Pass |
| 3 | 03/05 | (S) Passed {Vote} |
| 4 | 03/06 | (S) Transmitted To House |
| 5 | 03/13 | (H) Referred To Ways and Means |
| 6 | 06/09 | (H) Title Suff Do Pass |
| 7 | 06/10 | (H) Passed {Vote} |
| 8 | 06/11 | (H) Motion to Reconsider Entered (Lamar, Steverson) |
| 9 | 06/16 | (H) Reconsidered |
| 10 | 06/16 | (H) Amended |
| 11 | 06/16 | (H) Passed As Amended {Vote} |
| 12 | 06/17 | (H) Returned For Concurrence |
| 13 | 06/18 | (S) Concurred in Amend From House {Vote} |
| 14 | 06/18 | (S) Motion to Reconsider Entered |
| 15 | 06/19 | (S) Motion to Recnsdr Tabled Lost |
| 16 | 06/24 | (S) Motion to Reconsider Tabled |
| 17 | 06/25 | (S) Enrolled Bill Signed |
| 18 | 06/25 | (H) Enrolled Bill Signed |
| 19 | 07/01 | Approved by Governor |

**Amendments:**

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2333

**Code Section:** A 067-0001-0037, A 027-0071-0029

**----- Additional Information -----**

***Senate Committee:*** Finance

***House Committee:*** Ways and Means

***Principal Author:*** Harkins

***Title:*** AN ACT TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PRESCRIBE AND CHARGE A FEE TO DEFRAY THE COSTS OF SHIPPING ALCOHOLIC BEVERAGES THROUGH ITS ALCOHOLIC BEVERAGE CONTROL (ABC) DIVISION; TO AMEND SECTION 27-71-29, MISSISSIPPI CODE OF 1972, TO CREATE A SPECIAL FUND IN THE STATE TREASURY KNOWN AS THE "ABC SHIPPING FUND"; TO PROVIDE FOR THE DEPOSIT OF SHIPPING FEES CHARGED BY THE DEPARTMENT INTO THE ABC SHIPPING FUND FOR USE IN DEFRAYING THE DEPARTMENT'S EXPENSES IN SHIPPING ALCOHOLIC BEVERAGES; TO PROVIDE THAT NET PROCEEDS REMAINING IN THE FUND AFTER SUBTRACTING THE AMOUNT USED TO DEFRAY SHIPPING COSTS SHALL LAPSE INTO THE GENERAL FUND ON AUGUST 1 OF EVERY YEAR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2333
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PRESCRIBE AND CHARGE A FEE TO DEFRAY THE COSTS OF SHIPPING ALCOHOLIC BEVERAGES THROUGH ITS ALCOHOLIC BEVERAGE CONTROL (ABC) DIVISION; TO AMEND SECTION 27-71-29, MISSISSIPPI CODE OF 1972, TO CREATE A SPECIAL FUND IN THE STATE TREASURY KNOWN AS THE "ABC SHIPPING FUND"; TO PROVIDE FOR THE DEPOSIT OF SHIPPING FEES CHARGED BY THE DEPARTMENT INTO THE ABC SHIPPING FUND FOR USE IN DEFRAYING THE DEPARTMENT'S EXPENSES IN SHIPPING ALCOHOLIC BEVERAGES; TO PROVIDE THAT NET PROCEEDS REMAINING IN THE FUND AFTER SUBTRACTING THE AMOUNT USED TO DEFRAY SHIPPING COSTS SHALL LAPSE INTO THE GENERAL FUND ON AUGUST 1 OF EVERY YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 67-1-37, Mississippi Code of 1972, is amended as follows:

67-1-37. (1) The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties:

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control.

(c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this chapter.

(d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages.

(e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages.

(f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure.

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school, community or junior college, college or university.

(h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this chapter or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution and sale of alcoholic

liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this chapter or any other statute, including the native wine laws.

(i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties.

(j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session.

(k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein.

(l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

(m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale.

(n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this chapter as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board.

(o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49.

(p) To delegate its authority under this chapter to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate.

(q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law.

(2) No alcoholic beverage shall be sold or consumed at any public athletic event at any public school, community or junior college, college or university.

**SECTION 2.** Section 27-71-29, Mississippi Code of 1972, is amended as follows:

27-71-29. All taxes levied by this article shall be paid to the * * * Department of Revenue in cash or by personal check, cashier's check, bank exchange, post office money order or express money order and shall be deposited by the * * * department in the State Treasury on the same day collected, but no remittances other than cash shall be a final discharge of liability for the tax herein imposed and levied unless and until it has been paid in cash to the * * * department.

All taxes levied under Section 27-71-7(1) and received by the * * * department under this article shall be paid into the General Fund, and the three percent (3%) levied under Section 27-71-7(2) and received by the * * * department under this article shall be paid into the special fund in the State Treasury designated as the "Alcoholism Treatment and Rehabilitation Fund" as required by law. Any funds derived from the sale of alcoholic beverages in excess of inventory requirements shall be paid not less often than annually into the General Fund, except for fees charged by the department for the defraying of costs associated with shipping alcoholic beverages. The revenue derived from these fees shall be deposited by the department into a special fund, hereby created in the State Treasury, which is designated the "ABC Shipping Fund." The monies in this special fund shall be earmarked for use by the department for any expenditure made to ship alcoholic beverages. Any net proceeds remaining in the special fund on August 1 of any fiscal year shall lapse into the

General Fund. "Net proceeds" in this section means the total of all fees collected by the department to defray the costs of shipping less the actual costs of shipping.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2020.

# Mississippi Legislature
# 2020 Regular Session

# Senate Bill 2362

**Description:** Use tax; revise certain provisions regarding distribution of funds to municipalities for road and bridge improvements.

**Fiscal Note:** No fiscal note conducted

**Background Information:**

*Disposition:* Law
*Deadline:* General Bill/Constitutional Amendment
*Revenue:* No
*Vote type required:* Majority
*Effective date:* July 1, 2020

**History of Actions:**

| | | |
|---|---|---|
| 1 | 02/13 | (S) Referred To Finance |
| 2 | 02/25 | (S) Title Suff Do Pass |
| 3 | 03/05 | (S) Passed {Vote} |
| 4 | 03/06 | (S) Transmitted To House |
| 5 | 03/13 | (H) Referred To Ways and Means |
| 6 | 06/09 | (H) Title Suff Do Pass As Amended |
| 7 | 06/10 | (H) Amended |
| 8 | 06/10 | (H) Passed As Amended {Vote} |
| 9 | 06/10 | (H) Motion to Reconsider Entered (Hopkins, Lamar, Steverson) |
| 10 | 06/11 | (H) Motion to Reconsider W/Drawn |
| 11 | 06/11 | (H) Returned For Concurrence |
| 12 | 06/16 | (S) Decline to Concur/Invite Conf |
| 13 | 06/22 | (S) Conferees Named Harkins,McMahan,Blackmon |
| 14 | 06/23 | (H) Conferees Named Lamar,Steverson,Massengill |
| 15 | 06/24 | (S) Conference Report Filed |
| 16 | 06/24 | (H) Conference Report Filed |
| 17 | 06/25 | (S) Conference Report Adopted {Vote} |
| 18 | 06/26 | (H) Conference Report Adopted {Vote} |
| 19 | 06/28 | (S) Enrolled Bill Signed |
| 20 | 06/28 | (H) Enrolled Bill Signed |
| 21 | 07/03 | Approved by Governor |

**Amendments:**

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2362

Conference Reports:

Conference Report

**Code Section:** A 027-0067-0035

**----- Additional Information -----**

***Senate Committee:*** Finance
***House Committee:*** Ways and Means

***Principal Author:*** McMahan
***Additional Authors:*** Moran, Branning, Jackson (11th), Jackson (32nd)

***Title:*** AN ACT TO AMEND SECTION 27-67-35, MISSISSIPPI CODE OF 1972, WHICH CREATES A SPECIAL FUND IN THE STATE TREASURY TO BE USED TO PROVIDE FUNDS TO ASSIST MUNICIPALITIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS AND WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS, TO PROVIDE THAT FOR PURPOSES OF CALCULATING CERTAIN AVERAGE ANNUAL EXPENDITURES THAT A MUNICIPALITY MUST EXPEND IN ORDER TO BE ELIGIBLE FOR MONIES FROM THE SPECIAL FUND, GRANT FUNDS AND LOAN FUNDS RECEIVED BY A MUNICIPALITY AND EXPENDED FOR SUCH PURPOSES SHALL NOT BE CONSIDERED WHEN CALCULATING THE AVERAGE ANNUAL EXPENDITURES; AND FOR RELATED PURPOSES.

# 2020 GENERAL LAWS OF MISSISSIPPI SB 2362

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) McMahan, Moran, Branning, Jackson (11th), Jackson (32nd)

To: Finance

SENATE BILL NO. 2362

AN ACT TO AMEND SECTION 27-67-35, MISSISSIPPI CODE OF 1972, WHICH CREATES A SPECIAL FUND IN THE STATE TREASURY TO BE USED TO PROVIDE FUNDS TO ASSIST MUNICIPALITIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS AND WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS, TO PROVIDE THAT FOR PURPOSES OF CALCULATING CERTAIN AVERAGE ANNUAL EXPENDITURES THAT A MUNICIPALITY MUST EXPEND IN ORDER TO BE ELIGIBLE FOR MONIES FROM THE SPECIAL FUND, GRANT FUNDS AND LOAN FUNDS RECEIVED BY A MUNICIPALITY AND EXPENDED FOR SUCH PURPOSES SHALL NOT BE CONSIDERED WHEN CALCULATING THE AVERAGE ANNUAL EXPENDITURES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 27-67-35, Mississippi Code of 1972, is amended as follows:

27-67-35. (1) (a) There is hereby created a special fund in the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of monies deposited therein under Section 27-67-31(e) and monies from any other source designated for deposit into such fund. Monies in the fund shall be expended by the Department of Revenue to provide funds to assist municipalities in this state in paying costs

associated with (i) repair, maintenance and/or reconstruction of roads, streets and bridges in municipalities and (ii) repair, maintenance and/or other improvements to water infrastructure and sewer infrastructure. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

(b) (i) Subject to the provisions of this paragraph (b) and Section 65-21-31, funds provided to municipalities under this subsection (1) shall be allocated and distributed to municipalities as follows:

1. Three Million Dollars ($3,000,000.00) shall be allocated to all municipalities in equal shares, and

2. The remainder of the funds allocated as follows:

a. One-half (1/2) shall be allocated to municipalities based on the proportion that the population of a municipality according to the most recent federal decennial census bears to the total population of all municipalities in the state according to the most recent federal decennial census, and

b. One-half (1/2) shall be allocated to municipalities based on the proportion that the amount of sales tax revenue distributed to a municipality during the preceding fiscal year under Section 27-65-75(1)(a) bears to the total amount of sales tax revenue distributed to all municipalities during the

preceding fiscal year under Section 27-65-75(1)(a). The Department of Revenue shall distribute funds under this subsection (1) on a semiannual basis with distributions being made in the months of January and July.

(ii) In order to be eligible to receive the full amount of funds allocated for distribution to a municipality during a year under this subsection (1), the municipality must have expended an amount not less than the amount of base expenditures during the previous municipal fiscal year for the purposes described in paragraph (a) of this subsection (1). If a municipality fails to expend such required amount, then the amount of funds allocated for distribution to the municipality shall be reduced by the percentage by which the municipality failed to expend the amount of base expenditures. For the purposes of this subsection (1), "base expenditures" means the average annual expenditures made by a municipality for purposes described in paragraph (a) of this subsection (1) for the five-year period beginning October 1, 2013, and ending September 30, 2018. However, for the purposes of calculating the average annual expenditures for such five-year period, the year within the period with the highest annual expenditures for such purposes and the year within the period with the lowest annual expenditures for such purposes shall be excluded when calculating the average annual expenditures for the five-year period. Expenditure of grant proceeds, loan proceeds, or the proceeds of bonds issued by

a municipality for the purposes described in paragraph (a) of this subsection (1) shall not be considered when calculating the base period. Beginning July 1, 2020, and each succeeding July 1 thereafter, the amount of the base expenditures shall be adjusted and compounded annually by increasing or decreasing such amount by a percentage amount equal to the United States inflation rate for the previous calendar year ending on December 31 as certified by the Department of Revenue. The United States inflation rate for a calendar year shall be the Consumer Price Index for the calendar year for urban consumers as calculated by the Bureau of Labor Statistics of the United States Department of Labor.

(c) The Department of Revenue and the Department of Audit shall have all powers necessary to ensure the proper implementation of this subsection (1).

(2) (a) There is hereby created a special fund in the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of monies deposited therein under Section 27-67-31(f) and monies from any other source designated for deposit into such fund. Monies in the fund shall be expended by the Department of Revenue to provide funds to assist counties in this state in paying costs associated with the repair, maintenance and/or reconstruction of roads, streets and bridges in counties. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General

Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

(b) (i) Subject to the provisions of this paragraph (b) and Section 65-21-31, funds provided to counties under this subsection (2) shall be allocated and distributed to counties in the following proportions:

1. One-third (1/3) shall be allocated to all counties in equal shares,

2. One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state, and

3. One-third (1/3) shall be allocated to counties based on the proportion that the rural population of a county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

The Department of Revenue shall distribute funds under this subsection (2) on a semiannual basis with distributions being made in the months of January and July. Rural road miles and rural road population in the counties shall be determined in the same manner as they are determined for the purposes of the distribution formula in Section 65-9-3.

(ii) From and after July 1, 2020, of the funds allocated for distribution to a county during a year under this subsection (2), the maximum amount of such funds that may be

distributed to the county during that year shall not exceed the amount of county funds expended by the county during the previous county fiscal year for purposes described in paragraph (a) of this subsection (2). Expenditure of the proceeds of bonds issued by a county to pay costs associated with the repair, maintenance and/or reconstruction of roads, streets and bridges shall not be considered when determining the amount of county funds expended by the county during the previous county fiscal year.

(c) The Department of Revenue and the Department of Audit shall have all powers necessary to ensure the proper implementation of this subsection (2).

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2020.

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